

THE BIDEN BORDER CRISIS: EXPLOITATION OF UNACCOMPANIED ALIEN CHILDREN

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION INTEGRITY,
SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

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THE BIDEN BORDER CRISIS: EXPLOITATION OF UNACCOMPANIED ALIEN CHILDREN

Wednesday, April 26, 2023

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY,
AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to notice, at 3 p.m., in Room 2141, Rayburn House Office Building, Hon. Tom McClintock [Chair of the Subcommittee] presiding.

Members present: Representatives McClintock, Biggs, Roy, Spartz, Van Drew, Nehls, Moore, Jayapal, Nadler, Escobar, Jackson Lee, Ross, Cicilline, and Swalwell.

Mr. MCCLINTOCK. The hour of 3:00 has arrived, and a quorum being present, the Subcommittee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

I want to welcome everyone to today's hearing on the Biden border crisis and the unaccompanied alien children crisis that has accompanied it.

I will now recognize myself for an opening statement.

On Inauguration Day our border was secure. The Remain in Mexico policy had slowed illegal immigration to a trickle, court-ordered deportations were being enforced, and the border wall was nearing completion. By the afternoon of that day, Joe Biden had reversed these policies, producing the largest illegal mass migration in history.

In the last 27 months, they deliberately admitted two million illegal aliens into our country, a population larger than the State of Nebraska. While the Border Patrol was overwhelmed, another 1.5 million known got-aways have entered as well. That is an additional illegal population larger than the entire State of Hawaii.

The Trump policy slowed encounters of unaccompanied children to 33,000, the lowest level in eight years. In the last fiscal year, a record 152,000 came across. That is almost a fivefold increase.

Biden had exactly the same tools available to him as Trump, so it should be obvious that this is a deliberate policy that ignores not only the welfare of Americans but that of the migrant children as well.

On a border trip last year, I asked a CBP officer how to stop the trafficking of children into this country. His answer was immediate: get them safely home.

He said the cartels charge thousands of dollars to traffic these children, and they don't give refunds. The moment children are returned home, their business will dry up.

On another border trip I was shocked to learn that no effort is made to get these children back to their homes, and very little effort is made vetting the so-called sponsors of these children, and very little is shown in following up on their welfare once they are abandoned to these so-called sponsors.

So, what happens to them? The administration's response is basically don't know, don't care. A recent *The New York Times* investigation shed some light on this question.

After they get to the U.S., many are forced by their so-called sponsors into dangerous jobs with fake identity documents. Earlier this year a sanitation company, employing over 100 illegal alien children in jobs in slaughterhouses and meatpacking plants in the Midwest, paid \$1.5 million of civil penalties after a Federal court found that these children were using caustic chemicals to clean razor-sharp saws, and working overnight shifts.

In one of the great ironies of bill titles, the Trafficking Victims Protection Reauthorization Act of 2008 makes this possible. While children from Mexico and Canada are immediately sent safely home, all others are admitted. That is a tremendous incentive to send unaccompanied children to the border.

In 2014, even the Obama Administration recognized the danger and asked Congress to provide it with,

... additional authority to exercise discretion in processing the return and removal of unaccompanied minor children from non-contiguous countries like Guatemala, Honduras, and El Salvador.

The House passed a bill to do just that, but Senate Democrats blocked it.

The Trump Administration was able to staunch the flow with new and strict requirements to ensure the safety of these children once placed with a sponsor, as well as Title 42 expulsion authority. In 2021, the Biden Administration dismantled Trump era requirements to vet sponsors and perform background checks for individuals in the sponsor household, many of whom are involved in smuggling the children in the first place. The Biden Administration stopped subjecting them to Title 42.

We now know that the administration simply lost track of over 85,000 of these children. In September 2022, *Axios* reported that,

... roughly one in three follow-up calls made to released migrant kids or their sponsors between January and May went unanswered.

Don't know, don't care.

According to *The New York Times*, the cabinet secretary responsible for these children, Xavier Becerra, likened the sponsor placement process to an assembly line that wasn't moving fast enough. He complained,

If Henry Ford had seen this in his plant, he would never have become rich and famous. This is not the way you do an assembly line.

Last week this Committee approved a bill that would help stop this tragedy by returning these children safely home, as we already do for children coming from Mexico or Canada. No Democrat supported our bill. I am hopeful that after hearing the testimony of our witnesses our colleagues will rethink their opposition to this long-overdue reform.

Although we are focusing today on young and vulnerable children, we should note that a large majority of so-called unaccompanied children are late teenagers or young men claiming to be minors. That is a subject for another day.

I am now pleased to recognize the Ranking Member for five minutes.

Ms. JAYAPAL. Thank you, Mr. Chair.

Since this is the first Immigration Subcommittee hearing of the 118th Congress, I just want to start by congratulating you on becoming Chair, and also saying how honored I am to serve as Ranking Member.

As the first South Asian American woman elected to the House, I came to this country by myself at the age of 16. It took me 17 years on an alphabet soup of visas to actually become a U.S. citizen.

Prior to coming to Congress, I devoted a decade-and-a-half to working on the issue of fair and humane immigration policy. So, this is an issue that is both personal and collective for me. I am very proud to be the first immigrant to serve as either Ranking or Chair of this Subcommittee.

Looking forward to working with you and being in a position to help shape the debate of reforming our immigration system around the values of dignity, humanity, and respect.

I also want to sincerely thank Representative Zoe Lofgren who has for the last 15 years either Chaired or been the Ranking Member of the Immigration Subcommittee. She is a stellar champion for a working and humane immigration system. I know she is going to continue to be an invaluable resource for this Committee and for our whole Congress.

Now, to the work of the hearing.

Unfortunately, between the hearings that we have held and the cruel, extreme, and unworkable immigration legislation that was marked up last week, this majority is once again showing that they are not serious about finding real solutions to fix our complex immigration system.

This hearing is ostensibly about showing that the majority cares about the exploitation of children. Just last week, the same majority passed legislation out of this Committee that would actually gut protections for unaccompanied children. That bill passed out of Committee with not a single Democratic vote, and even Republican colleagues decrying the bill as extreme, un-American, and not ready for prime time.

Specifically, that bill would allow unaccompanied children to languish in Border Patrol facilities for up to a month; it would force children to appear within two weeks before an immigration judge, with no access to an attorney; and it would send children back to their home countries where they are at high risk for exploitation and abuse.

The bill would decimate the bipartisan Trafficking Victims Protection Reauthorization Act, which Congress passed on a sweeping bipartisan basis, and establish the U.S. Government's central framework for keeping unaccompanied children out of the hands of trafficking.

Democrats want to protect children, not make it even more difficult for them to be safe. We have got more work to do, real serious work to make that happen.

I was heartbroken reading *The New York Times* articles about young children who are being taken advantage of by unscrupulous sponsors and employers, and the potential warning signs that were missed. This increase in child labor is actually a trend that has been steadily on the rise, especially since 2018 under the former President. It is completely unacceptable.

That is why I was very pleased to see that the Office of Refugee Resettlement has announced an audit of their sponsor vetting process. I look forward to seeing the results of that audit.

I was also encouraged by the Department of Labor, and Health and Human Services' recent announcement of a variety of new efforts to combat exploitative child labor, including a new inter-agency task force to improve coordination and information sharing among agencies.

At the same time, we know that the Office of Refugee Resettlement and the administration overall need more resources to do more to ensure the safety of kids. We in Congress have a responsibility to provide sufficient funding to those agencies to do this critical work.

That includes funding to increase post-release services for children after they are placed with a sponsor, as well as increased appointment of counsel. Improvement in both of these areas will help protect children from mistreatment, exploitation, and trafficking.

The Department of Labor also needs to be more aggressive in going after these unscrupulous employers to the fullest extent of the law. Many of these employers, by the way, were using E-Verify, which just goes to show how ineffective that system is, which was in the majority's bill last week. They should be held accountable for hiring kids and subjecting them and all workers to harsh conditions.

Every policy is about real human beings. So, I just want to close with a success story of an unaccompanied child who came to the United States a few years ago.

Fifteen-year-old Alejandra fled the gangs of El Salvador with her 10-year-old brother and sought safety here in the United States. Here, they reunited with their mother after being separated for 10 years.

When she arrived in the United States, Alejandra did not speak English. She had problems understanding her teachers and she debated dropping out of school. She drew inspiration from her mother and from the support network around her, including the legal representation that she was fortunate to obtain. She persevered.

She ended up graduating high school as the salutatorian of her class, and going to George Washington University on a full ride, where she majored in biology.

There are so many Alejandras out there waiting for Congress to help keep them safe and help them succeed by passing humane immigration laws. That is what we should be focused on today.

I look forward to hearing from our witnesses today. The protection of children from exploitation, abuse, and trafficking should be a bipartisan issue. I hope my colleagues approach it that way today.

I yield back.

Mr. MCCLINTOCK. Thank you.

We have with us the Ranking Member of the House Judiciary Committee. Mr. Nadler is recognized for five minutes for an opening statement.

Mr. NADLER. I thank the gentleman.

Mr. Chair, today's hearing would have been more appropriate to conduct last week, before the Republican majority marked up its extreme, enforcement-only immigration legislation. The majority's supposed concern for the exploited children that are the subject of today's hearing is hard to reconcile with a bill that would render unaccompanied children more vulnerable to exploitation and abuse.

That legislation would eliminate the right of many unaccompanied children at the border to seek protection in Immigration Court from human trafficking and other dangers, and to receive robust screenings by child welfare experts for evidence of mistreatment.

That legislation would leave these unaccompanied children with the right merely to cursory screenings by law enforcement personnel lacking child welfare expertise, screenings that would largely fail to identify signs of trafficking and exploitation.

This would lead to the summary return of too many children with valid protection claims, the same dangers they fled.

Even more alarmingly, the Republicans' bill would subject unaccompanied children to detention in jail-like Customs and Border Protection facilities for up to 30 days, 10 times longer than what is permitted under current law.

Unaccompanied children would undergo their first Immigration Court hearing within 14 days of their border screening. This would leave them with almost no time to obtain counsel, to understand their legal options, or, in many cases, to comprehend what a court hearing even is, much less to demonstrate their eligibility for legal protection from trafficking and other mistreatment.

As if that is not bad enough, the bill would prohibit Health and Human Services from funding counsel for unaccompanied children, stripping thousands of children of the lawyers they depend on to protect them from exploitation and other harm.

As we pointed out last week, many of the components of the bill were not discussed in a hearing this Congress. That makes sense, given that we are four months in, and this is the first hearing the Immigration Subcommittee has held.

It is too bad, because if this Subcommittee had met earlier, we could have also discussed the flaws of the E-Verify system. Some of the companies that employed and exploited the children who were the subject of recent reporting, used the E-Verify system to ensure that their employees are eligible to work. It clearly did not work correctly, or it was abused.

It would have been helpful, before we marked up legislation that mandated nationwide E-Verify, to learn about these issues.

We could have discussed how H.R. 2640 contains modest protections for authorized workers, but it assigns no penalties to employers who violate these protections under E-Verify, rendering these provisions practically meaningless.

Yes, I think the Committee would have learned a lot if it had actually held a hearing on this issue before marking up that cruel and extreme piece of legislation.

At last week's markup we heard a lot from our Republican colleagues about the so-called missing 85,000 kids, as reported by *The New York Times*. Let's be clear, that headline was misleading when such allegations were made against the Office of Refugee Resettlement under the previous administration, and it is misleading today. We will discuss that issue in greater detail during the hearing.

However, *The New York Times* reporting of children unlawfully working in factories, slaughterhouses, and other dangerous jobs is very concerning. ORR and the Department of Labor have taken some positive steps forward to address these issues.

Make no mistake, more must be done. That will take significant resources devoted to both agencies, agencies that would likely see draconian cuts if the Republicans were successful in their efforts to hold our economy hostage to their extreme debt reduction demands or they threaten a catastrophic default on our Nation's credit.

As we consider Federal efforts to address the exploitation of children, it is not helpful that in multiple Republican legislatures across the country States are loosening their child labor laws to allow children to lawfully work in some of these dangerous occupations.

The fact that Republicans are actively making it easier for young teenagers to work in assembly line plants, slaughterhouses, and night shifts in States like Iowa and Arkansas, is appalling. It only encourages the exploitation of these vulnerable children.

It is hard to take seriously the party that boasts of its concerns for exploited children, while simultaneously stripping vital protections from unaccompanied children, promoting policies that would create the conditions for these children to be exploited, and then starving agencies of the resources necessary to protect them from exploitation.

If Republicans want to engage in a serious effort to protect children, Democrats stand ready to work with you.

I look forward to hearing from the witnesses today. I yield back the balance of my time.

Mr. MCCLINTOCK. Thank you.

Now we are very honored to have four witnesses with us today.

Ms. Tara Lee Rodas is a Federal employee with the Council of the Inspectors General for Integrity and Efficiency. She is speaking to us today in her personal capacity as a whistleblower who witnessed and reported the harm and danger to unaccompanied alien children while working as a volunteer with the Office of Refugee Resettlement in the Department of Health and Human Services.

She worked at the Pomona Emergency Intake Site in California that housed and processed thousands of unaccompanied alien children arriving at the southwest border in 2021.

Ms. Sheena Rodriguez is the founder and President of the Alliance for a Safe Texas. She is a mother and former teacher who founded the Alliance for a Safe Texas during the current border crisis. As part of her work, she has interviewed many women and children who have crossed our southwest border and has testified before the Texas State Legislature regarding the impacts of the border crisis.

Ms. Jessica Vaughan is the Director of Policy Studies for the Center for Immigration Studies, a Washington, DC, based research institute that examines the impact of immigration on American society. Her area of expertise is immigration policy and operations, covering topics such as unaccompanied alien children, visa programs, immigration benefits, and immigration enforcement.

Finally, Mr. Robert Carey served as the Director of the Office of Refugee Resettlement within the U.S. Department of Health and Human Services under the Obama Administration. Prior to his service at ORR, he served as Vice President of Resettlement and Migration Policy at the International Rescue Committee.

Mr. Carey has served as Chair of the Refugee Council of the United States of America.

I want to welcome all our witnesses and thank you for appearing. We will begin by swearing you in.

Would you please rise and raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

[Witnesses sworn.]

Mr. MCCLINTOCK. Great. Thank you very much.

Let the record reflect that the witnesses have answered in the affirmative.

Please know that your written testimony will be entered in the record in its entirety. Accordingly, we would ask that you summarize your testimony in five minutes.

Mr. Carey, why don't we begin with you?

STATEMENT OF ROBERT CAREY

Mr. CAREY. Thank you, Mr. Chair, Ranking Member, and Members of the Subcommittee for the opportunity to appear before you today.

I am Bob Carey. I was the Director of the Office of Refugee Resettlement, ORR, in the Department of Health and Human Services, from March 2015–January 2017.

ORR, in addition to its work on behalf of refugees, asylees, and other vulnerable populations, is responsible for the care and maintenance of unaccompanied children while they are in U.S. Government custody, and their placement with U.S.-based sponsors while they go through their immigration proceedings. The placement process includes vetting of sponsors to verify their relationship to the child and the suitability of the placement.

The overwhelming majority of sponsors are immediate or close family members.

The vetting process is rigorous and is derived from a range of sources, including records obtained from the countries of origin through their U.S. consulates, and documentation provided by U.S.-based sponsors. There are, however, limitations on ORR's capacity to review information obtained both prior to and after the release of children.

The office, and the agency in which it is housed, are not investigative or law enforcement bodies. Many of the children profiled in recent coverage were taken into custody at our southern border. They faced physical and sexual violence, human trafficking, forced gang recruitment, and the very real possibility of death in their home countries and in flight. Rather than fall prey to these forces, they fled, often to join family in the U.S.

They remain vulnerable even after arriving. It has been alleged that approximately 85,000 children have been "lost by ORR." In fact, most of these children were released to the care of a parent or close relative. I believe that failure to respond to follow-up phone call from an unknown phone number does not constitute being lost.

Recent investigations have documented the use of child labor in workplaces in the U.S., including, among others, unaccompanied children admitted to the U.S. pending adjudication of their asylum claims. There are multiple explanations for this: Inadequate funding and enforcement of existing child protection and labor laws, outdated statutes that allow large corporations to skirt workplace responsibility by using intermediaries, partisan politics designed to divide and demonize foreign-born people, and insufficient coordination among government agencies, among others.

Since I left ORR, Congress has repeatedly directed ORR to enhance protections for children. In response, ORR has dramatically increased the number of children who received post-release services. Properly implemented, post-release social services, often referred to as PRS, are essential to ensuring the safety, stability, and transition to permanency of unaccompanied children released from Government custody to sponsors in the United States.

I am pleased to see ORR's progress, as I believe these vital services are vital tools to ensure a child's safety while they go through Immigration Court processes. Further, ORR has stated that it plans to provide legal representation to 100 percent of unaccompanied children by the end of Fiscal Year 2027, which is an essential objective.

No less crucial for protecting children is access to an attorney. Currently many, if not most, unaccompanied children lack an attorney. The TVPRA requires that, "to the maximum extent practicable," HHS ensure legal counsel for unaccompanied children "to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking." This includes mistreatment and exploitation in the workplace.

Providing unaccompanied children with attorneys for the duration of their case is one of the best ways to intervene early when children are working in illegal and dangerous conditions and, thus, to protect them from abuse.

Attorneys also help evaluate children's eligibility for legal protections and supportive services specifically designed for survivors of trafficking, severe crimes, and abuse. This includes work authoriza-

tion, where eligible, which helps older teenagers access safe, lawful, and appropriate employment; and serves as a bulwark against dangerous working conditions, wage theft, and other labor abuses in the unregulated workforce.

Let me conclude by reiterating that unaccompanied children are by and large children in need. When the exploitation of underage, unaccompanied children occur, it required multiple failures.

The solutions require addressing all five of these factors:

- (1) Accountability for those who exploited children;
- (2) Accountability for those that profit from child-labor exploitation;
- (3) Expanded and enhanced access to post-release services, legal services, and child advocates;
- (4) Expanded legal authority and resources to act affirmatively to investigate possible child-labor exploitation and to provide protection to affected children;
- (5) Better communication across Federal agencies.

Also, ORR can do a better job of protecting children.

Mr. MCCLINTOCK. Mr. Carey, I am sorry to interrupt, but your time expired about a minute ago.

Mr. CAREY. Right. Thank you for your time.

Mr. MCCLINTOCK. We will be getting to you with questions.

Mr. CAREY. Thank you.

[The prepared statement of Mr. Carey follows:]

Testimony of Robert Carey,
Principal, Migration Works LLC,
Subcommittee on Immigration, Integrity, Security, and Enforcement
House Judiciary Committee

Thank you for the opportunity to appear before you today.

My name is Bob Carey. I was the Director of the Office of Refugee Resettlement (ORR) in the Administration for Children and Families in the Department of Health & Human Services (HHS) from March of 2015 through January of 2017.

ORR, in addition to its work on behalf of refugees, asylees and other vulnerable populations, is responsible for the care and maintenance of unaccompanied children while they are in U.S. government custody and their placement with U.S. based sponsors while they go through immigration proceedings. The placement process includes vetting sponsors to verify their relationship to the child and the suitability of the placement. The overwhelming majority of sponsors are immediate or close family members. During the time that I was at ORR, this cohort accounted for approximately 95 percent of the unaccompanied children population.

The sponsor and family reunification vetting process involves consulting a range of sources, including records obtained from countries of origin through their U.S. consulates and documentation provided by U.S.-based sponsors. There are, however, limitations on ORR's capacity to review information obtained both prior to and after the release of children. The office, and the agency in which it is housed, are not investigative or law enforcement bodies. Beyond the limited role granted to them by Congress and the administration, they do not possess the mandate, resources, expertise or scope of authority to conduct law-enforcement types of investigations either prior to and after the release of a minor (at which point ORR legal authority ends). In fact, one reason Congress in the Homeland Security Act assigned HHS responsibility for the care and custody of children was to ensure that they would be quickly moved out of an agency with a law enforcement mandate and into one concerned with child and family well-being.

Many of the children profiled in recent media coverage were taken into custody at our southern border. They faced physical and sexual violence, human trafficking, forced gang recruitment and the very real possibility of death in their home countries and in flight. Rather than fall prey to these forces, they fled, often to join family in the U.S. They

remain vulnerable even after arriving. It has been alleged that approximately 85,000 children have been “lost by ORR.” In fact, most of these children were released to the care of a parent or close relative. The conclusion that they were “lost” stems in large part from their failure to respond to a follow-up phone call from an unknown phone number; for children who are often fleeing criminal actors seeking money, not answering such a phone call does not constitute being lost.

Recent media and government investigations have documented the use of child labor in dangerous and inappropriate workplaces in the United States; these reports have involved, among others, unaccompanied children admitted to the country pending adjudication of their asylum claims. Unaccompanied children are vulnerable, and the newest investigations demonstrate that some have been exploited by employers, often laboring for staffing agencies or contractors performing work for prominent US companies and brands.

Investigations have also revealed that this exploitation is taking place in businesses across the US and in multiple industries. There are myriad explanations for this: inadequate funding and enforcement of existing child protection and labor laws, outdated statutes that allow large corporations to skirt workplace responsibility by using intermediaries, partisan politics designed to divide and demonize foreign-born people, and insufficient coordination among government agencies, among others.

Our immigration system is broken. Too often, families are separated, making children more vulnerable to exploitation. ORR has taken meaningful steps to improve outcomes for unaccompanied children, bringing more child welfare expertise to ORR, ensuring that children get to family swiftly, and whenever possible, keeping families together. Under this administration, tens of thousands of children have been released to caring family members, minimizing children’s time in congregate care in line with best practice in child welfare. Many of these children are thriving.

Nevertheless, the problem of exploitation is much bigger than ORR and so the solutions must also come from a range of stakeholders. As noted above, ORR has responsibility for care and placement of unaccompanied children, housing them, often in shelters, until parents, family members, or sponsors are located. But it is worth repeating that ORR has limited legal authority or resources to act or provide protection after a child is released from care.

We have to prioritize both children and labor law enforcement, with a whole of government approach that protects children from exploitation. A good model for this is

the Family Reunification Taskforce, which was established in 2021 to reunite families separated by the previous administration. When intervention is necessary, protecting children in these situations requires ongoing communication and coordination among multiple agencies, including ORR and Customs and Border Protection, along with local law enforcement and social service agencies, many of which are already starved for funds. But lines of authority, accountability, and critical information flow between the government agencies charged with caring for the children are in some instances weak or fractured. Children who await legal hearings to determine their right to claim asylum should not be exploited and harmed for doing so. They should have access to legal protection and representation. To prevent such outcomes, it is essential that a government agency, whether ORR or a more appropriate office, be given authority to ensure such children's ongoing wellbeing and provided with appropriated funding to ensure children's safety after they are released from government care.

Meanwhile, insufficient funding means that our labor agencies lack the capacity to be proactive in a way that would allow ready detection of these cases. The U.S. Department of Labor's Wage and Hour Division (which enforces child labor, minimum wage, and other laws) and Occupational Safety and Health Administration have absurdly scant resources relative to the need. In 2019, the number of private sector workers per OSHA investigator was over 198,000. The ratio for Wage and Hour investigators wasn't much better: more than 189,000 private sector workers per investigator.

Prevention is equally important. Since I left ORR, Congress has repeatedly directed ORR to enhance protections for children. In response, ORR has dramatically increased the number of children who receive post-release services, from 15,160 in Fiscal Year (FY) 17 to 21,894 in FY21 to more than 54,000 in FY22. Properly implemented, post-release social services—often referred to as “PRS” and programmatically distinct from legal services—are essential to ensuring the safety, stability, and transition to permanency of unaccompanied children released from government custody to sponsors in the United States. I am pleased to see ORR's involvement in this area grow, as I believe these services are vital tools to ensure a child's safety while they go through the immigration court process. Further, ORR has stated that it plans to provide legal representation to 100 percent of unaccompanied children by the end of FY27—an essential objective.

No less crucial for protecting children is access to an attorney. I would continue to emphasize that these are vulnerable children in a new environment where they do not speak the language. Currently, many, if not most, unaccompanied children lack an attorney. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)

requires that, “to the maximum extent practicable,” HHS ensure legal counsel for unaccompanied children “to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking.” This includes mistreatment and exploitation in the workplace. Providing unaccompanied children with attorneys for the duration of their cases is one of the best ways to intervene early when children are working in illegal and dangerous conditions, and thus to protect them from such abuses.

Many children have difficulty reporting harms that they experience in the workplace and beyond, due to fear and prior trauma. Attorneys play a critical role in identifying risks to children, not only those risks that children have fled in their home country but also those confronting them after they arrive to the U.S. Lawyers often become the only authority figure to whom a child feels safe disclosing protection needs such as exploitative working conditions, trafficking, and abuse. In such instances, attorneys can inform the child about their rights and legal options, provide referrals to specialized providers who may be necessary, and with the child’s consent, can report labor exploitation or other dangers to authorities to help extricate their clients from harm.

Attorneys also help evaluate children’s eligibility for legal protections and supportive services specifically designed for survivors of trafficking, severe crimes, and abuse. This includes work authorization where eligible, which helps teenagers who can legally work access safe, lawful, and appropriate employment, and serves as a bulwark against dangerous working conditions, wage theft, and other labor abuses in the unregulated workforce. Work authorization also serves as an essential form of government-issued photo identification for accessing daily activities and services for many children, even where not used for employment. Without legal representation, unaccompanied children have no virtually no meaningful chance of navigating the opaque and broken U.S. immigration system.

Over the years, ORR has also increased the number of children provided independent Child Advocates. Child Advocates are appointed to child trafficking survivors and other particularly vulnerable unaccompanied children and provide best interests determinations to any agency—state or federal—and any adult (including attorneys) working with a child. Child advocates—who meet children in custody and continue working with them after release—are well positioned to identify when children are in danger, but currently serve only a tiny fraction of children in ORR custody.

Let me conclude by reiterating that unaccompanied children are, by and large, children in need. When the exploitation of underage, unaccompanied children occurs, it indicates multiple failures. Bad actors must be present – traffickers or children’s direct employers –

as well as others who are willing to look the other way in order to profit. We might also see curtailed access to the social services that play a preventive role. Similarly, the government agencies who are meant to intervene may be underfunded, lack appropriate staff, or lack a mandate to intervene when exploitation does occur. And lack of agency coordination is recognized as an ongoing and longstanding concern.

The solutions require addressing all of these factors:

- 1) Accountability for those who exploit children.
- 2) Accountability for those that profit from child-labor exploitation.
- 3) Expanded and enhanced access to post-release social and legal services and child advocates.
- 4) Expanded legal authority and resources to act affirmatively to investigate possible child-labor exploitation and to provide protection to affected children.
- 5) Better communication across federal agencies
- 6) Better work by ORR to connect children to community-level services including local charities, non-profits and other social groups that assist children and their families to meet outstanding and everyday needs.

Thank you. I am happy to take your questions.

Mr. MCCLINTOCK. The Chair is next pleased to recognize Ms. Vaughan.

STATEMENT OF JESSICA VAUGHAN

Ms. VAUGHAN. Thank you, Mr. Chair and Ranking Member for having a hearing on this topic, which has been ignored for too long. It is disturbing and sad to hear the stories of what these younger migrants go through. They are no less deserving of personal safety and protection just because of the circumstances under which they arrived.

It is also infuriating, though, because the dysfunction in the ORR placement program has been known for a long time, for about 10 years since States and local communities that have been dealing with the influx starting raising the alarm.

What is most infuriating is that even with all the well-documented risk and problems associated with the Federal government taking custody of minors, and adults claiming to be minors, who are smuggled in, and then releasing them to unvetted sponsors, and the washing its hands of responsibility for them, even knowing the risk, still, the Biden Administration chose to throw gasoline on that dumpster fire by actually expanding opportunities for the illegal smuggling of minors into the country, and expanding opportunities for these minors to be trafficked for cheap labor, commercial sex, gangs, and more.

It was done by dismantling the relatively effective policies enacted by prior administrations that had tried not only to improve the UAC placement system and mitigate the risk of trafficking, but to decrease the flow of child migrants.

Under the Biden policies, the annual number of UACs referred to HHS custody after crossing illegally has tripled from an average of 40,000 a year to more than 120,000 in each of the last two years. Half of the 600,000 unaccompanied minors who have been released in the country since 2012 have arrived on Biden's watch.

Not only did he relax border controls and suppress immigration enforcement inside the country, when the numbers predictably exploded his officials responded by gutting what few meager protections for child migrants still existed. As HHS Secretary Becerra revealed in his now notorious video statement, the goal was to release these kids faster, with few questioned asked, to make it a more efficient assembly line. This assembly line is staffed by crony contractors spending billions of taxpayer dollars on what is now a pipeline for child labor trafficking.

It is truly an urgent task for Congress to address this problem. There is no question that the placement process for UACs can be improved. These improvements should be informed by experts like those here today who know the system, by child welfare agencies within the States and communities where the migrants are placed, and by the Federal immigration and other law enforcement agencies who understand the smuggling and trafficking business. We need these improvements, and we need more oversight on HHS and its contractors.

Just last night I got a message from an insider voicing their concern about how HHS lets its contractors operate the youth migrant shelters with unlicensed and untrained staff who, apparently, are

utterly unqualified to be in charge of these kids. We would never allow this to happen in a school or any other juvenile setting involving American kids.

Fixing the shelter and placement system is not going to solve the problem really. Based on my experience, I see no change that the Federal government can construct a system for processing unaccompanied illegal alien minors that is up to the task of handling the huge number of kids, more than 120,000 last year, who will continue to come, who will continue to be put in the hands of criminal smugglers, traffickers, unscrupulous employers, abusive sponsors, as long as they know that they are going to be released into the country once they get here.

The fundamental problem which Congress can solve is with the law.

First, the loopholes in the TVPRA must be closed, allowing the Government to swiftly repatriate the minors to their homes if they are not at risk, which most are not.

Congress must direct and fund ICE to boost its anti-trafficking and its worksite enforcement activities to go after the illegal and exploitative employment of the young migrants.

It is also imperative to restore ICE's authority to arrest sponsors who it finds have been involved in smuggling, or trafficking, or illegal employment of these minors, which was taken away from them by the Harris Amendment that passed a couple of years ago, which I noted in my written statement.

Congress should use its appropriations authority to force HHS and DHS to have meaningful coordination with State, local governments, and their child welfare agencies.

Finally, Congress should reform other provisions in the law that entice minors to come illegally, such as the Special Immigrant Juvenile Program, which should be limited to accommodate only those youths who have no responsible parent or guardian to care for them.

Thank you.

[The prepared statement of Ms. Vaughan follows:]

U.S. House Judiciary Committee
 Sub-committee on Immigration Integrity, Security and Enforcement
 The Biden Border Crisis: Exploitation of Unaccompanied Alien Children
 April 26, 2023

Statement of Jessica M. Vaughan
 Center for Immigration Studies

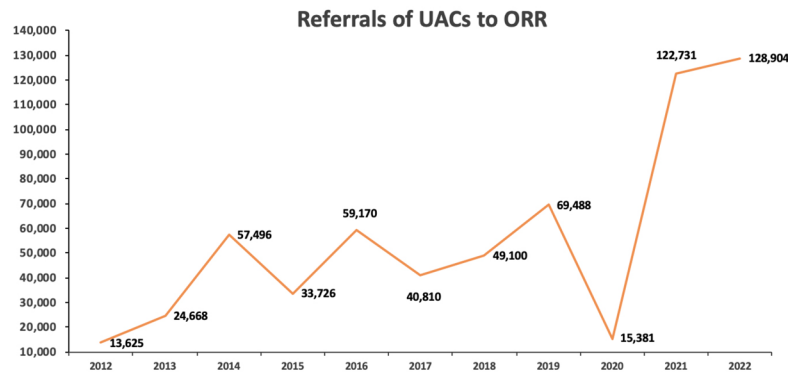
Thank you, Mr. McClintock and Ms. Jayapal, for the opportunity to testify today. The mass migration crisis instigated by the Biden administration's misguided immigration policies has caused incalculable harm to American communities, to the integrity of our immigration system, and, tragically, to many of the migrants themselves. These migrants were enticed by these policies to put themselves in risky situations to cross the border illegally, led by criminal smuggling and trafficking organizations, and enabled by government agencies and contractors that have looked the other way at the abuse and exploitation that frequently occurs en route and after resettlement. The most vulnerable group that has been endangered by the Biden policies are the more than 300,000 minors who have arrived on his watch (out of 660,000 total since 2012). They have been carelessly funneled through the custody of U.S. government agencies and contractors, and handed off to very lightly vetted sponsors (who are usually also here illegally) in our communities without regard to their safety and well-being. There is no question that the system for processing minors who cross illegally is dysfunctional, and has been for some time, and needs to be fixed. However, merely improving the processing and placement of UACs will not address the cause of the problem; it would only make a bad policy just slightly more safe for a still endless flow of unaccompanied minors. Instead, Congress must focus on fixing the main cause of the problem – the legal loopholes and judicial rulings that force and enable the government to operate a massive catch and release program for illegally-arriving alien children. In addition, Congress should refuse to fund the Biden programs that facilitate this influx of child migration and reform the Special Immigrant Juvenile program that offers a green card to tens of thousands of UACs.

Biden Policies Set Off Flood of Illegal Migrants, Overwhelming Federal Agencies, Border Communities, and NGOs. When he took office, President Biden inherited what many experts considered to be the most secure land borders in U.S. history, with expanded and improved barriers, updated technology, and more personnel, all of which was backed up by policies that deterred migrants from crossing illegally. Within a short time, that relatively secure southern border was transformed into a chaotic, lawless, and dangerous frontier, with cartels and criminal smuggling organizations strategically orchestrating illegal crossings of migrants. The incentive: the understanding that a large share of migrants who are apprehended by the Border Patrol, especially minors and those arriving with minors, would soon be released and transported to their destination, despite low expectations that they will comply with immigration proceedings or ever qualify to remain legally.

From the very beginning of his term, President Biden began dismantling a laundry list of policies that had succeeded in controlling the years-long wave of illegal migrants hoping to take advantage of our dysfunctional asylum system and court rulings that require minors and those arriving with minors to be released into the country. Biden ordered an end to construction of the border wall system; terminated the Migrant Protection Protocols that sent tens of thousands of alleged asylum seekers to wait in Mexico; cancelled agreements with transit nations to offer safe haven to migrants and enforce their borders; relaxed application of Title 42 pandemic controls so that minors and families could enter; began awarding immigration parole to tens of thousands of illegal crossers, in defiance of the intent of Congress; extended Temporary Protected Status (TPS) to citizens of more nations and more recent arrivals; established strict limitations on interior enforcement to suppress deportations of all but the most egregious criminals; and launched plans for a new asylum system designed to expedite the legalization of illegal border crossers. Not surprisingly, the number of illegal border crossers has exploded, in response to what the migrants call Biden's "invitation."

As a result, the number of illegal border crossings continues to rise to record-breaking after record-breaking levels. According to the most recent Border Patrol statistics, last month, agents apprehended more than 162,000 illegal migrants at the Southwest border, up from just over 130,000 in February, and an increase of more than 33,000 over January. That's an almost 25 percent increase over each prior month. The daily rate of apprehensions in March is 13 percent higher than February and 26 percent higher than January, when the president announced new border enforcement actions.¹ These figures do not account for the additional hundreds of thousands of illegal border crossers who evade apprehension (the "gotaways").

The trend in the number of unaccompanied alien child illegal border crossers arriving each year has followed a similar trajectory, as shown in the chart below. These figures, drawn from HHS/ORR data, show the annual number of UAC case referrals to HHS from DHS since 2012.²



Problems Were Well Documented Before Biden Policy Changes. Considerable data, information, and analysis has been available to lawmakers and the public on the UAC migration crisis since its early stages. Numerous reports and studies have been published that have documented the demographic characteristics of the UACs, their motivations for coming to the United States, and their experiences. Several major investigative reports conducted by branches of the U.S. government and news media outlets have documented how U.S. policies and practices have facilitated not only this mass migration episode, but also the resulting exploitation and abuse of the participants, which has been present since the onset of this episode. These studies and reports have exposed numerous incidents of abuse, fraud, and trafficking for the purposes of commercial sex and forced labor. This is not a new problem; we know when it started and why, how it has worsened in recent years, and the disturbing consequences for many of the young people who have been caught up in it.

These reports include:

¹ <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

² <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.

- A 2014 memorandum by a senior Border Patrol official, leaked to the public, raising concerns about the growing number of UACs encountered at the border, and documenting that one important, if not primary, motivation for the migrants was understanding that they would be released into the United States for an indefinite period and have the opportunity to work.³
- A 2014 intelligence report by U.S. Immigration and Customs Enforcement (ICE), leaked to a reporter, that similarly confirmed that migrants were drawn by U.S. policies, including the opportunity for release to join family members and find employment, escape difficult living conditions in their home countries, and the potential availability of legalization and amnesty programs in the United States.⁴
- A six-month investigation by the U.S. Senate Homeland Security and Government Affairs Committee in 2015 into the case of UACs trafficked for indentured labor at an egg farm in Ohio, resulting in hearings and a major report.⁵
- A September 2022 report by the HHS Office of the Inspector General, sharply criticizing the agency's handling of the UACs, in particular the relaxation of protocols for screening UAC sponsors.⁶
- A new report from a grand jury investigation in Florida, calling out the federal government, and in particular the Biden administration, for policies that have encouraged the influx of minors and lax placement policies that have led to exploitation of minors, fraud, and significant costs to state taxpayers for schooling and services to UACs.⁷
- Federal prosecutions and court rulings with detailed findings about the trafficking and exploitation of UACs and the role of U.S. policies in facilitating the crimes.⁸
- Numerous investigative journalism reports published over the years in the *Washington Times*, Reuters, and the *New York Times*, Project Veritas, and others, that provide graphic details of the experiences of UACs during and after their illegal crossing and placement with sponsors in the United States, including domestic servitude, sexual abuse, forced labor, labor exploitation, and illegal employment in manufacturing, landscaping, and other inappropriate and dangerous jobs.
- Open source research on involvement of UACs in criminal gangs, and the recruitment and exploitation of UACs by these gangs.⁹
- Several investigations by the Government Accountability Office on deficiencies in government agencies efforts to address the influx and processing of UACs, including one in 2020 on HHS oversight of UAC care facilities.¹⁰
- Numerous congressional hearings and committee reports over the last decade presenting testimony from government officials and independent experts on the legal issues, the operational challenges, the impact on local communities, and the disastrous outcomes for the UACs.

This litany of reports establishes that a combination of loopholes in U.S. immigration law, controversial judicial rulings, and deliberate but egregiously misguided policies have led to the victimization of countless young illegal migrants. This system, and especially the recent policies, have provided the incentives for minor

³ [Internal Memo Reveals High-Level Dissent on Border Surge Policies \(cis.org\)](#)

⁴ [Darby Leaked ICE | PDF \(scribd.com\)](#)

⁵ [Majority & Minority Staff Report - Protecting Unaccompanied Alien Children from Trafficking and Other Abuses 2016-01-282.pdf \(senate.gov\)](#)

⁶ <https://oig.hhs.gov/oei/reports/OEI-07-21-00251.pdf>

⁷ [3rd Presentment of 21st SWGJ - DocumentCloud](#)

⁸ See, for example, the ruling of Judge Andrew Hanen in *U.S. v Nava-Martinez*, [24747.pdf \(texas.gov\)](#), and numerous cases of trafficking and exploitation of UACs that have been prosecuted in federal court.

⁹ See, for example, numerous reports by the Center for Immigration Studies at [Gangs \(cis.org\)](#).

¹⁰ [Unaccompanied Children: Actions Needed to Improve Grant Application Reviews and Oversight of Care Facilities | U.S. GAO](#)

migrants to cross illegally with the help of criminal smugglers, the means for successful illicit crossings to resettle in the United States, and the opportunity for illegal employment that results in exploitation.

The most significant loophole in immigration law is the provision in the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) that directs the immigration agencies allow minors from non-North American countries who enter the United States illegally to remain here in the custody of a (loosely defined) sponsor under the auspices of completing immigration proceedings.¹¹ In addition, the TVPRA does not permit the repatriation of a child to a parent remaining in the home country.¹²

The controversial Flores Settlement Agreement (FSA) also has complicated matters for the government, in stipulating conditions and considerations on how UAC cases must be handled.¹³ In addition, since 2019, Congress has further frustrated government efforts to investigate problem cases involving UACs by greatly restricting DHS agencies from obtaining information about UACs, statements they make about their sponsors or other contacts, and even performing background checks. According to then-Senator Kamala Harris, who authored the restrictions for a government funding law, the rule is designed to:

*Prohibit the Secretary of the U.S. Department of Homeland Security from using U.S. Department of Health and Human Services (HHS) information provided by an unaccompanied child, or initially obtained to evaluate sponsorship of an unaccompanied child, to conduct civil immigration enforcement actions against a child, prospective or current custodian or sponsor, or resident in the home of the prospective or current custodian or sponsor.*¹⁴

As a result, even if immigration enforcement agencies had the capacity and/or the marching orders to look into suspicious, potentially inappropriate, or fraudulent placement situations, it would be very difficult to obtain actionable information from its own federal agency partners.

Making matters worse, the Biden administration has shut down immigration enforcement at worksites, which is the obvious place to detect instances of exploitative employment of UACs, instead leaving these cases to be handled by the Department of Labor, which lacks some of the authorities of DHS agencies, especially concerning non-citizens, who are responsible for at least half of the forced labor trafficking violations that have been prosecuted in federal court each year, according to the Human Trafficking Institute.¹⁵

From 2012 to the 2020 pandemic, the UAC migrant crisis was bad enough under the constraints of the TVPRA and FSA. But under the new policies of the Biden administration, it has spiraled out of control, and led to a disturbing increase in reports of child exploitation, such as reported in the *Washington Times*, Project Veritas, Reuters, and *New York Times* accounts. As shown in the graph above, the number of UAC referrals to HHS custody in 2021 (about 123,000) was more than triple the average annual number of referrals over the previous nine years (about 40,000). From Day One of his administration, Biden relaxed immigration enforcement, implementing a lenient catch and release policy for most illegal migrants, including UACs. News of the more lenient policies led to more illegal migrant arrivals, which in turn overwhelmed the border agencies, and compromised their capacity to interview and screen migrants and their handlers.

¹¹ For more on this and other loopholes, see [Why Are Central American Migrants Entering Illegally? Part 2 \(cis.org\)](#).

¹² [CBP IAP Interim Report \(dhs.gov\)](#)

¹³ [The History of the Flores Settlement \(cis.org\)](#)

¹⁴ [NYT Reveals Child Labor Exploitation Corresponds to Actions Taken by Harris, Biden, and Mayorkas \(cis.org\)](#)

¹⁵ [Federal Human Trafficking Report | Human Trafficking Institute](#)

Even more concerning is that despite the rapid escalation in numbers of UAC arrivals, the Biden administration, apparently unconcerned about the known risks, made a bad situation worse by deliberately gutting many of the policies that had been in place to help avoid releasing minors to abusive situations. As noted in the Florida Grand Jury report, in the last two years the Office of Refugee Resettlement (ORR) has intentionally reversed certain critical procedures that helped to ensure the UACs' safety, such as home studies and background checks on sponsors and members of their households, post-placement monitoring, fraud referrals and investigations, and more. The Grand Jury observed:

*Some "children" are not children at all, but full-grown predatory adults; some are already gang members or criminal actors; others are coerced into prostitution or sexual slavery; some are recycled to be used as human visas by criminal organizations' some are consigned to relatives who funnel them into sweatshops to pay off the debt accumulated by their trek to this country; some flee their sponsors and return to their country of origin; some are abandoned by their so-called families and become wards of the dependency system, the criminal justice system, or disappear altogether. Meanwhile ORR's efforts and resources are less-directed at preventing or remedying any of these maladies, and instead appear fully focused on maximizing the number of children they can process, heedless of the downstream consequences to either the children or the communities into which they are jettisoned.*¹⁶

Biden officials have been clear that they are more interested in moving UACs through the system as quickly as possible than they are concerned about the safety and well-being of the minors in their custody. In a shocking video that was widely circulated earlier this year at just about the time of one of the news media reports on the burgeoning problem of UAC labor trafficking, HHS Secretary Xavier Becerra urged HHS staff to further accelerate the processing of the kids, saying, "This is not the way you do an assembly line."¹⁷

Examples of Exploitation of UACs Abound. Easy access to resettlement in the United States is an irresistibly lucrative business opportunity for human smugglers and traffickers who exploit the UACs and their families. Immigration and Customs Enforcement (ICE) has said that the criminal organizations involved are raking in more than \$10 million a day, or \$6 billion a year, taking advantage of the Biden administration's catch and release policies and the dismantling of interior immigration enforcement.¹⁸

Sometimes the traffickers promise naïve young migrants that they can go to school or work in the United States, and instead lure them into indentured servitude, peonage, sex trafficking, extortion, or demand that they work for the smugglers to pay off their debts to the traffickers. In other cases, desperate, unsuspecting, or opportunistic parents will arrange for their child to cross with a trafficker to work in the United States at a farm or factory, or worse. In the notorious Ohio egg farm case:

*... The defendants and their associates recruited workers from Guatemala, some as young as 14 or 15 years old, falsely promising them good jobs and a chance to attend school in the United States. The defendants then smuggled and transported the workers to a trailer park in Marion, Ohio, where they ordered them to live in dilapidated trailers and to work at physically demanding jobs at Trillium Farms for up to 12 hours a day for minimal amounts of money. The work included cleaning chicken coops, loading and unloading crates of chickens, de-beaking chickens and vaccinating chickens.*¹⁹

¹⁶ Florida Grand Jury report, p. 4.

¹⁷ [White House promises crackdown on migrant child labor \(usatoday.com\)](https://www.usatoday.com/story/news/immigration/2021/08/25/white-house-promises-crackdown-on-migrant-child-labor/9111111002)

¹⁸ 5 Human Trafficking is Facilitated By Lenience and Chaos at Border

¹⁹ U.S. Department of Justice, "Two Defendants Plead Guilty to Forced Labor Scheme that Exploited Guatemalan Migrants at Ohio Egg Farms," August 25, 2015, Two Defendants Plead Guilty to Forced Labor Scheme that Exploited Guatemalan Migrants at Ohio Egg Farms | OPA | Department of Justice

In 2021, the federal government reportedly stopped releasing unaccompanied minors in at least two locations – Enterprise, Ala. and Woodburn, Ore. -- due to concerns about labor trafficking. The Department of Justice and two other federal agencies launched investigations based on suspicious clusters of arriving minors: “Some of these situations appear to involve dozens of unaccompanied minors all being released to the same sponsor and then exploited for labor in poultry processing or similar industries without access to education,” according to an email from a Justice official. So far, one couple in northern Alabama has been convicted of money laundering and conspiracy to transport illegal aliens unlawfully, and the other investigations apparently are still in progress.²⁰

Some unaccompanied minors end up staying for longer terms in lightly supervised youth shelters, foster care, or with a sponsor, and then become vulnerable to enticement into gangs and/or sex trafficking. Just last week, in San Antonio, a man (an illegal alien who has been deported 15 times) was arrested for allegedly prostituting and sexually assaulting a teenage girl who was being sheltered by her trafficker last year at a stash house used for human smuggling. “State police said Diaz-De la Cruz, who is known as Karlos, housed the girl and allowed men to have sex with her for \$150, according to an affidavit supporting his arrest. In exchange, Diaz-De la Cruz would provide the girl with money, food and shelter.” The alleged trafficker had been deported in the previous year, but was later arrested on a South Texas ranch after once again crossing illegally with a large group.²¹

The establishment and resurgence of the transnational gang MS-13 in the Washington DC-Maryland-Virginia area, whose members are largely illegal aliens, many of whom originally arrived as unaccompanied minors, has brought an increase in cases of brutal sex trafficking in the area. The gang preys on young teenage girls who run away from shelters, foster care, or broken homes:

In the United States, victims of MS-13 tend to be Latino immigrant girls or girls from the Northern Triangle countries who came into the country as unaccompanied minors.... HHS places minors either in foster care, with family or a sponsor.... MS-13 preys on the vulnerability of the unaccompanied minors; some have previously suffered sexual abuse either in their home country or during the trip north; others lack a community and do not speak English. Members of MS-13 seek out the vulnerable young girls using violence and other coercive tactics to intimidate the girl into having sex for money to help financially support the gang. Runaways are also appealing to the MS-13. Family problems, transitions from foster care and economic problems are some of the reasons that unaccompanied minors run away from their homes. Many of the unaccompanied minors may have experienced sexual abuse, exploitation or physical abuse in their home countries or during their migration to the United States and even more suffer from poverty and lack of a stable social network. These are all factors that make young girls more susceptible to human trafficking.²²

One typical case occurring in the area resulted in the prosecution of eleven MS-13 gang members for sex trafficking, assault, and other charges related to the prostitution of a 13-year old and 16-year old runaways. ICE officials have stated that an estimated 40 percent of MS-13 members they arrest originally arrived as UACs.

Biden Policies on Unaccompanied Minors Fail to Protect Them From Trafficking. The current policies that govern the placement of minors who arrive unaccompanied are inadequate to prevent these minors from being placed in inappropriate environments that include labor and sex trafficking situations and participation in or

²⁰ [U.S. Probes Trafficking of Teen Migrants for Poultry-Plant Work \(bloomberglaw.com\)](https://www.bloomberglaw.com/news/2021/05/12/us-probes-trafficking-of-teen-migrants-for-poultry-plant-work/)

²¹ [Undocumented migrant arrested, charged with trafficking, prostituting, sexually assaulting a teenage girl in San Antonio \(expressnews.com\)](https://www.expressnews.com/news/undocumented-migrant-arrested-charged-with-trafficking-prostituting-sexually-assaulting-a-teenage-girl-in-san-antonio/)

²² [The Connection between the Mara Salvatrucha \(MS-13\) and Human Trafficking \(humantraffickingsearch.org\)](https://humantraffickingsearch.org/the-connection-between-the-mara-salvatrucha-ms-13-and-human-trafficking/)

exposure to criminal gangs. These policies have always been inadequate, in part due to the unmanageable volume of cases, but have been loosened even more by the Biden administration, increasing opportunity for bad actors to exploit the system.

The systemic deficiencies were described in detail in the Senate report following the investigation of the Ohio egg farm in 2014. They included poor vetting of sponsors and their households for suitability and financial stability, low standards for sponsors, allowing individuals with criminal histories and without legal status to sponsor minors, failure to monitor the minor's well-being after placement, and failure to deliver post-release services.

While the Trump administration adopted a number of policies recommended by the bipartisan investigators, including more thorough background checks and questioning of prospective sponsors, many of these reforms have been reversed by the Biden administration as it struggles to deal with the new influx and in its decision to prioritize swift release from federal custody over vetting of sponsors. These practices stray from well-established best practices for foster care, refugee, and similar child placements, greatly increase the risk of problems for the youth and increase the likelihood that some will end up being victimized by traffickers. According to HHS and numerous outside observers, the sponsors who come forward to take custody of these minors receive little meaningful vetting. They typically are subject to a biographical name check for criminal records, but are fingerprinted only if staff are able to articulate a reason why the placement might be a problem, not to discover information that might suggest a risk. Similarly, home studies to evaluate the environment to which the minor will be released or the sponsor's credibility or financial stability are done only in very rare cases, such as with child trafficking victims they have discovered; very young (under 12 years), disabled or abused children; or if a sponsor has volunteered to take in multiple kids. Contrary to best practices, other adults in the sponsoring household are not routinely subject to fingerprinting or investigation.

There is no meaningful monitoring of the minors' activities or well-being after they leave government custody and are placed with a sponsor. They are not required to accept post-release services, and in many cases the sponsors have blocked case workers from contact with the minors. In fact, the government usually loses track of the minors after release, either because the minors and their sponsors refuse to communicate, the youth moves to another household, drops out of school and services, and skips out on immigration hearings. As a result, it is difficult for authorities to detect situations where a minor is a victim of labor trafficking or coerced into indentured labor or other exploitation – until it is too late, and the damage to the victims is already done.

The Florida Grand Jury provided details on a notorious case in which a 24-year old man made it through Border Patrol screening to qualify for resettlement as a minor and placement with a sponsor in Jacksonville, who he later murdered.²³

In June 2014, a 16-year old girl from Honduras approached Baltimore County, Md. police, telling them she had been smuggled into the United States to live with a 42-year old man, Pedro Lara Portillo, who claimed to be her guardian, and was forced into a sexual relationship:

*Federal investigators say that Lara had coordinated with the girl's mother and arranged to pay fees to a contact in Mexico so that she could cross into the country after leaving Honduras. From there she entered the U.S. alone, crossing the border in Texas, according to court documents. The teen aged gave Lara's name to officials working with the Office of Refugee Resettlement, and he falsely told them she would have her own room, according to court documents.*²⁴

²³ [Illegal immigrant who posed as minor while crossing border charged with murder \(nypost.com\)](https://nypost.com/2021/06/14/illegal-immigrant-who-posed-as-minor-while-crossing-border-charged-with-murder/)

²⁴ [Unaccompanied minor from Honduras alleges abuse by guardian – Chicago Tribune](https://www.chicagotribune.com/news/immigration/unaccompanied-minor-from-honduras-alleges-abuse-by-guardian-20140614-story.html)

In the Virginia MS-13 sex trafficking case, after running away from a group home in Fairfax, Va, the teen victims were horribly beaten to initiate them into the gang, and then repeatedly forced to engage in prostitution both to members of the gang and outsiders. From once court document:

*MINOR 2 was sex trafficked by numerous MS-13 gang members and associates shortly after she and MINOR 3 ran away from Shelter Care on August 27, 2018. According to MINOR 2, MINOR 3 informed her that she would engage in sex in exchange for money, food, and other things that MINOR 2 needed. During interviews with law enforcement, MINOR 2 and MINOR 3 both discussed staying at the residence of MOISES and JOSE ELIAZAR, two brothers who lived together... in Woodbridge, Virginia.... MINOR 2 informed law enforcement that multiple men engaged in sex with MINOR 2 in the wooded area behind MOISES' apartment. ... Geolocation data obtained during the investigation shows that MINOR 2 was harbored at multiple locations in Northern Virginia and Maryland.... Numerous social media conversations involving MOISES, GUTTERREZ, and others, show their active involvement in finding different residences to harbor MINOR 2 for purposes of commercial sex.*²⁵

States Take Steps to Limit the Resettlement of UACs. This influx has so severely strained schools, foster care systems, health care, and other social support systems that several states (South Carolina, Iowa, Nebraska, South Dakota, Texas and Florida) have announced that they will not participate in the resettlement of unaccompanied minors. In the case of South Carolina, the state determined that the arrival of any large group of children needing foster care placement would be an unacceptable burden on the state's existing capacity for "timely and stable placements and other services and supports."²⁶ The order further states that in light of a recent class action settlement agreement (*Michelle H. v Haley*) that requires the state to address numerous problems in its foster care placement system, including the number of foster homes, a case worker shortage, and the availability of health services, the governor determined that: "...accepting placements of unaccompanied migrant children entering the United States via the southern border into residential group care facilities or other foster care facilities located in, and licensed by, the State of South Carolina would unduly limit the availability of placements for children in South Carolina and would present a threat of harm to the children in such facilities and would constitute a failure of any such facility to keep the facility safe to care for children as contemplated by [SC law]."

The Florida Grand Jury has recommended that the legislature pass a law that anyone taking custody of a UAC who is not the parent of legal guardian must report to the state within 30 days and initiate proceedings to determine legal custody of the UAC, or face felony charges. In addition, child welfare agencies involved in UAC resettlement would have to document claimed parental relationships with verifiable paperwork or DNA testing for those seeking to take custody of a UAC as claimed parents.

Recommendations. The Biden administration has implemented policies that incentivize the illegal entry of unaccompanied alien children on a massive scale, to the profit of criminal smugglers and traffickers, even with full knowledge of the risks that such policies will endanger the safety and well-being of the migrant children. Some supporters of these policies have defended them on the belief that they are aiding the reunification of families, providing a safe haven from difficult living environments in their home countries, and even benefiting US employers. On the contrary, I submit that there is no possible rationalization for policies that have facilitated the abuse and exploitation of child migrants on such a large scale for so many years. There is no possible humanitarian or economic motive that could justify or make up for the damage that has been done to the victims by the smugglers, traffickers, abusive sponsors, and even family members who participated in these dreadful arrangements.

I could propose a laundry list of reforms to the UAC placement process that would help prevent UACs from being placed into abusive situations and detect inappropriate or dangerous sponsors from getting custody of

²⁵ Affidavit in Support of Criminal Complaint and Arrest Warrant in *United States v MOISES et al*, July 31, 2020.

²⁶ [2021-04-12 FILED Executive Order No. 2021-19 - Prioritizing SC Children.pdf](#)

UACs. These reforms should occur, but Congress should not be satisfied with such an approach – merely improving the UAC placement process will not solve the problem, it will only make a bad system slightly less risky for the children. Even if every reform on my list were implemented, still it is impossible for government agencies and child welfare programs to prevent all instances of abuse and exploitation; there simply are not enough resources for the government to do this job. And, such reforms would not be enough to address the problem of illegal and exploitative employment of UACs. Experience has shown that even the most attentive home studies, background checks, follow up phone calls and visits, hot lines for minors, and alert neighbors and bystanders will not solve this problem.

To solve the problem, Congress must change the immigration laws and rein in the executive policies that are incentivizing the mass illegal migration of both adults and minors. When we reach the point where migrants understand that there is no point in entering an agreement with a criminal smuggling organization or a labor trafficker, or even attempting to illegally join a family member in the United States, because such illegal entry and employment will not be tolerated and result in the consequence of being sent home promptly, then the smugglers and traffickers will have few clients, and the government agencies will have a much greater ability to deal with a far fewer number of exploitation cases.

Such reforms would include:

- Scrapping certain provisions of the TVPRA to equalize treatment of illegal alien minors from contiguous and non-contiguous countries, and to allow for the repatriation of minors without delay;
- Writing a law to supersede the Flores Settlement Agreement, along the lines of the Trump administration's 2019 proposed rule;
- Reining in the Biden administration's abuse of parole authority that undergirds the catch and release policies, including the Central American Minors Program;
- Defunding certain programs that underwrite the contractors who administer the resettlement process and provide services to UACs, until Congress is satisfied that these processes are not facilitating trafficking and incentivizing illegal migration.

Many of these reforms would be accomplished by H.R. 2640, the Border Security and Enforcement Act of 2023, introduced by Mr. McClintock and Mr. Biggs, which was just passed by this committee last week. I respectfully suggest that Congress should consider a number of other reforms that relate specifically to the UAC problem:

- Reverse the Harris provisions, which prohibit information-sharing on UACs between HHS and immigration enforcement agencies;
- Terminate the Special Immigrant Juvenile program in its current form, which enables aliens who entered as unaccompanied minors to obtain orders of protection from state family courts based on a claim (often flimsy, unverifiable, or downright fraudulent) of abuse, neglect or abandonment by one parent. This order of protection is the basis for applying for a green card and offers a path to citizenship for tens of thousands of UACs now in the pipeline, many of whom would otherwise be ineligible due to a criminal history, gang involvement, immigration fraud, or simple inability to qualify under the legal immigration system created by Congress. If the program is to be continued, USCIS should have sole discretion to determine eligibility, and the law should limit access to minors who are entirely lacking appropriate guardianship either here or in their home country;
- Require federal agencies to notify state and local authorities about the transport and release of aliens in their jurisdiction, to include information on the number, locations, and expected needs of newly arriving migrants who are released pending immigration proceedings;
- Authorize and encourage states to regulate the child welfare contractors who work with the federal government on resettlement of UACs, to ensure that the resettlement programs occur with proper

consultation and cooperation with state and local authorities, without burdening communities in the state, and within the standards the state has established for all child welfare programs.

- Use appropriations authority to more effectively ensure that the executive branch is faithfully enforcing immigration laws according to congressional intent, including specifying how funds will be used for border enforcement, detention, and processing of specific categories of illegal border crossers, visa overstays, asylum applicants, and criminal aliens, and to include sufficient resources to detain illegal border crossers in the border area and a larger number of criminal aliens, deportation recidivists, fugitives and absconders, and to allow releases and alternatives to detention only in specified types of cases;
- Create more opportunity for state and local governments to investigate and penalize human trafficking and the illegal migration, human smuggling, identity fraud, and illegal employment.

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Mr. MCCLINTOCK. Great. Thank you very much for your testimony.

Next, we will hear from Ms. Rodriguez for five minutes.

STATEMENT OF SHEENA RODRIGUEZ

Ms. RODRIGUEZ. Good afternoon, and thank you, Chair and Members of the Committee, for giving me this opportunity to present my eyewitness testimony and express my concerns regarding what is happening to the children at the southern border because of the current administration's policies. I am Sheena Rodriguez, Founder and President of Alliance for a Safe Texas. As a U.S. citizen, mother, and former educator who deeply cares about our country and the welfare of all children, I was compelled to see for myself what was occurring at our southern border.

I have been to various parts of the border in Texas and Arizona nearly three dozen times and under two years. What I have witnessed would and should disgust and terrify every American. In April 2021, when Texas Governor Greg Abbott learned of allegations of abuse of unaccompanied minors in a Federal facility in San Antonio, he stated, quote, "the Biden Administration is presiding over the abuse of children."

He also called on the administration to shut these facilities down. Instead, the administration has only expanded them without communicating with State and local authorities. Local communities are not told how long the minors will be there or where they will go when they are released and with no concern to the local—of impact to the local cities.

I am requesting that Congress launch a full investigation into the Federal agencies responsible for approving these contracts. These are just a handful of many examples I have encountered. During one border trip to the Del Rio area in December 2021, the group I was with encountered six men who had illegally entered the U.S. and were hiding in the brush.

They surrounded our vehicle believing that we were their transport to smuggle them further into the U.S. When we spoke to them, they said that they had witnessed cartel operatives murder children who were traveling alone and could not pay the smuggling fees. One man claimed he witnessed children being used and traded as currency. Another encounter in La Joya, I met and spoke with a 10-year-old Honduran girl who arrived by herself carrying only a small piece of paper with handwritten phone numbers on it.

She stated the numbers were given to her by a woman and an NGO along the route who told the young girl the numbers were to her father who she said that she would be staying with, a man, the young girl claimed, she had never met or spoken to. Also, in La Joya, I met a 14-year-old girl reportedly abused by her father and claimed that she was held for 11 days in a bodega and abused further. Similarly, she was told by a stranger that she would be going to stay with her mother who the teen claimed again she did not know.

I also met teenage boys between the ages of 14–17 who claimed cartel operatives often transported children through Mexico and held them at the bodegas where armed cartel members stood guard. Many were told they were going to stay with sponsors in

America with several claims, again, that the teens had never met or personally communicated with their supposed sponsors. Since January 2021, there have been over 356,000 UACs encountered at the southern border, a majority of which have been released into the U.S., more than 10,000 of which that have been released in my respective area of North Texas.

The current administration has admitted they do not keep track of the whereabouts when they're released into the U.S. With the use of taxpayer dollars, tens of thousands of children are simply missing. How many of the missing children are in my city or in yours? This has forced the State of Texas to take actions we never should've had to take as a direct result of the failed Federal policies.

Currently, we have bipartisan support for my State level legislative sponsored letter calling for a State investigation into the trafficking of unaccompanied minors in Texas. I'm calling on Congress to investigate the Federal agencies responsible for these minors to locate these children and to act with urgency to end the policy of releasing UACs in the U.S. with sponsors and nonfamily members they do not know. I am also calling on Congress to require that all alleged family members undergo a DNA test.

The abuse of children is not a political or partisan issue. It is a humanitarian and legal issue. I am calling on Congress to investigate the actions of DHS Secretary Alejandro Mayorkas, HHS Secretary Xavier Becerra, border czar, and Vice President Kamala Harris and to identify their role in facilitating the abuse of children through Federal agencies and demand that they be held accountable.

I agree with Florida Governor Ron DeSantis who describes what is happening as, quote, "effectively the largest human smuggling operation in American history." We can no longer turn a blind eye and pretend that this isn't happening. Congress has the power to stop this which is why I am calling on you to do what is right. Americans and these children deserve no less. Thank you.

[The prepared statement of Ms. Rodriguez follows:]

Testimony presented to House Judiciary Subcommittee: Immigration Integrity, Security and Enforcement

April 26, 2023

Sheena Rodriguez – President/Founder, Alliance for a Safe Texas

Good afternoon and thank you Chairman and members of the committee for giving me this opportunity to present my eye-witness testimony and express my concerns regarding what is happening to children at the southern border because of the current administration's policies.

I am Sheena Rodriguez, founder, and president of Alliance for a Safe Texas. As a U.S. citizen, mother and former educator who deeply cares about our country and the welfare of all children, I was compelled to see for myself what was occurring at our southern border. I've been to various parts of the southern border in Texas and Arizona nearly three dozen times in under two years. What I have witnessed would and should disgust and terrify every American.

In April 2021, when Texas Gov. Greg Abbott learned of allegations of abuse of unaccompanied minors in a federal facility in San Antonio, he said, "The Biden administration is presiding over the abuse of children."¹ He also called on the administration to shut these facilities down. Instead, the administration has only expanded them without communicating with state or local authorities. Local communities are not told how long the minors will be there, or where they will go when released and with no concern of the impact to local citizens.

I am requesting that Congress launch a full investigation into the federal agencies responsible for approving the contracts for these facilities.

These are just a handful of many examples I have encountered over the last two years.

On the bank of the Rio Grande in the RGV, one woman with a premature baby just under a month old stated that after seeing reports on Telemundo of people with young children and single minors being easily accepted into the U.S., she was convinced the time to come to the U.S. was now. Many adults in the same group reported having no fear of retribution or being turned away if they were with children under the current policies. The mother and other adults in the group described how they were placed in the back of multiple 18-wheelers along the route and guided by information on Facebook on how to arrive to the U.S. border.

I have also been a witness to several incidents where children were intentionally put in harm's way by adults who forced the children into the deadly currents of the Rio Grande instead of walking through a legal port of entry feet above from their crossing point in the river.

I interviewed women in various locations along the U.S. border, who detailed their perilous journeys. Women who willingly brought young children in an age range that would ensure they would be granted access, some of whom divulged their plans to send for their teenage daughters

¹ "Abbott: the Biden administration is presiding over the abuse of children," April 7, 2021, https://www.thecentersquare.com/national/article_d688243e-9804-11eb-add3-ef2cb6d13b6a.html

separately to take the same treacherous journey knowing the young girls would endure similar abuses.

During one border trip to the Del Rio area of Texas in December 2021, the group I was with encountered six men who had illegally entered the U.S. and were hiding in the brush. They surrounded our vehicles believing we were their transport to smuggle them further into the U.S. When we spoke to them, they said they had witnessed Mexican cartel operatives murder children who were traveling alone and could not pay the smuggling fees. One man claimed he witnessed children being used and traded as currency.

In another encounter in La Joya, I met and spoke with a 10-year-old Honduran girl, who arrived by herself carrying only a small piece of paper with handwritten phone numbers on it. She stated the numbers were given to her by a woman in an NGO along the route, who told the young girl the numbers were to her father, who she would be staying with. A man, the young girl claimed she had never met or spoken to.

Also in La Joya, I met a 14-year-old girl reportedly abused by her father and claimed that she was held for eleven days in a bodega and abused further. Similarly, she was told by a stranger that she would be going to stay with her mother, who the teen claimed she did not know.

In Roma, I encountered another 14-year-old girl from Belize. She described how she was separated from her mother and siblings days prior to her being sent over the Rio Grande into Texas. She told me she was sent by herself, crossed by a coyote into a dark, treacherous area with no immediate law enforcement presence. She was reportedly going to live with her uncle; it's unclear if he was really her uncle.

I also met teenage boys between the ages of 14 to 17, who claimed cartel operatives often transported children through Mexico and held them at bodegas or warehouses where armed cartel members stood guard. Many were told they were going to stay with sponsors in America, with several claims that the teens had never met or personally communicated with their supposed sponsors.

Since January 2021, there have been over 356,000 UACs² encountered at the southern border, a majority of which have been released into the U.S.: more than 10,000 of which have been released in my respective area of north Texas³.

The Biden administration has admitted they do not keep track of their whereabouts when they are released into the U.S. With the use of taxpayer dollars, tens of thousands of children are simply missing.⁴ How many of the missing children are in my city or in yours. This has forced Texas to take actions we never should have had to take as a direct result of failed federal policies.

² <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

³ <https://www.hhs.gov/programs/social-services/unaccompanied-children/index.html>

⁴ Biden administration lost track of thousands of unaccompanied minors who entered U.S. illegally in 2021, Feb. 10, 2022, https://www.thecentersquare.com/florida/article_dfae43c6-8904-11ec-af84-03cf15976aa7.html

Currently we have bi-partisan support for my state-level legislative sponsored letter calling for a state investigation into the trafficking of UACs in Texas. I am calling on Congress to investigate the federal agencies responsible for these minors, to locate these children, and to act with urgency to end the policy of releasing UACs into the U.S. with sponsors and nonfamily members they do not know. I am also calling on Congress to require that all alleged family members undergo a DNA test.

The abuse of children is not a political or partisan issue. It is a humanitarian and legal issue. I am calling on Congress to investigate the actions of DHS Secretary Alejandro Mayorkas, HHS Secretary Xavier Becerra, and Border Czar Vice President Kamala Harris and to identify their role in facilitating the abuse of children through federal agencies and demand they be held accountable.

I agree with Florida Gov. Ron DeSantis who describes what's happening as "effectively the largest human smuggling operation in American history."

We can no longer turn a blind eye and pretend this isn't happening. Congress has the power to stop this, which is why I am calling on you to do what is right. Americans, and these children deserve no less.

Mr. MCCLINTOCK. Thank you for your testimony. Our final witness is Ms. Rodas who's recognized for five minutes.

STATEMENT OF TARA LEE RODAS

Ms. RODAS. Good afternoon, Chair McClintock, Ranking Member Jayapal, and distinguished Members of the Committee. It is an honor to be here. I thank you for the invitation to share my testimony.

My goal is to inspire action to safeguard the lives of migrant children, including the staggering 85,000 that are missing. Today, children will work overnight shifts at slaughterhouses, factories, restaurants to pay their debts to smugglers and traffickers. Today, children will be sold for sex.

Today, children will call a hotline to report they are being abused, neglected, and trafficked. We don't know if they're going to get the help they need. For nearly a decade, unaccompanied children have been suffering in the shadows.

I have to confess I knew nothing about their suffering until 2021 when I volunteered to help the Biden Administration with the crisis at the southern border. As part of Operation Artemis, I was deployed to the Pomona Fairplex emergency intake site in California to help HHS Office of Refugee Resettlement reunite children with sponsors in the United States. I thought I was going to help place children in loving homes.

Instead, I discovered that children are being trafficked through a sophisticated network that begins with recruiting in home country, smuggling to the U.S. border, and ends when ORR delivers a child to a sponsor. Some sponsors are criminals and traffickers and members of transnational criminal organizations. Some sponsors view children as commodities and assets to be used for earning income.

This is why we are witnessing an explosion of labor trafficking. Now, whether it's intentional or not, it could be argued that the U.S. Government has become the middle man in a large-scale, multibillion dollar child trafficking operation that is run by bad actors seeking to profit off of the lives of children. As for me, my interest is the safety of the children.

I do not view this as a political issue. I view this as a humanitarian issue. I assure you my motives are the highest and best. I want the children protected.

So, I want to tell you some of what I witnessed personally at the Pomona Fairplex. I saw vulnerable indigenous children from Guatemala who speak Mayan dialects and cannot speak Spanish. That means they cannot ask for help in English. They cannot ask for help in Spanish.

They become captives of their sponsors. I have sat with case managers as they've cried to tell me the horror of what has happened to children as they made the journey to this country. I saw apartment buildings where 20, 30, and 40 unaccompanied minors had been released.

I saw sponsors trying to simultaneously sponsor children from multiple ORR sites at one time. I saw sponsors using multiple addresses to obtain sponsorships of children. I saw numerous cases

of children in debt bondage and the child knew they had to stay with the sponsor until the debt was paid.

Realizing that we were not offering the children the American dream but instead putting them in modern day slavery with wicked overlords was a terrible revelation, a terrible revelation. These children are a captive victim population with no access to law enforcement or knowledge of their rights. They are extorted, abused, neglected, and that is why I blew the whistle in 2021.

I witnessed firsthand the horrors of child trafficking and exploitation. My life will never be the same after what I saw. I have hope because I'm counting on you.

It's my hope that you'll take action to end this crisis to safeguard the lives of these vulnerable children. People have asked me what can be done? What would you suggest?

Well, first, I think HHS' No. 1 priority is oversight. They must commit to oversight, transparency, and accountability. If I could wave a magic wand, this, I believe, could be quickly solved by experts in the IG community.

There is a Pandemic Analytic Center of Excellence or the PACE as we call it. I believe if data analysts at the PACE could look at the data, children could be rescued. Criminals could be prosecuted if the PACE had access to this data. It shows where the children are and who has them.

I think also we need to change the culture of speed over safety. Speed is the wrong performance measure when dealing with children. We need to revamp the vetting process of sponsors and have case managers who have investigative backgrounds, data analytics backgrounds, and some certified fraud examiners.

I think we need to reimagine a system where the sponsor is the accountable party. Sponsors should be required to report to ORR. Last, stop retaliating against whistleblowers.

Stop retaliating against the people who are trying to tell the truth to save the children. As it is written, a wise man listens to advice while a fool continues in his folly. HHS needs to be wise to care for these children.

[The prepared statement of Ms. Rodas follows:]

Testimony by Tara Lee Rodas

for

**The House Judiciary Subcommittee on
Immigration Integrity, Security, and Enforcement**

Hearing Date:

Wednesday 04/26/2023 - 3:00 PM

Hearing Location:

2141 Rayburn House Office Building

**The hearing, "*The Biden Border Crisis:
Exploitation of Unaccompanied Alien Children*,"
will examine the unprecedented surge of
unaccompanied alien children at the southwest
border and how open-border policies enable the
exploitation of those children.**

WITNESSES:

Tara Lee Rodas, Health and Human Services Whistleblower,
Federal Inspector General Employee

Sheena Rodriguez, Founder and President, Alliance for a Safe Texas

Jessica Vaughn, Director of Policy Studies, Center for Immigration Studies

Good afternoon, Chairman McClintock, ranking member Jayapal and distinguished members of the committee. It's an honor to be here. I thank you for the invitation to share my testimony. My goal is to inspire action to safeguard the lives of migrant children, including the staggering 85,000 that are missing.

Today, children will work overnight shifts at slaughterhouses, factories, restaurants to pay their debts to smugglers and traffickers. Today, children will be sold for sex. Today, children will call a hotline to report they are being abused, neglected, and trafficked. For nearly a decade, unaccompanied children have been suffering in the shadows.

I must confess; I knew nothing about their suffering until 2021 when I volunteered to help the Biden Administration with the crisis at the Southern Border. As part of Operation Artemis, I was deployed to the Pomona Fairplex Emergency Intake Site in California to help the HHS Office of Refugee Resettlement reunite children with sponsors in the US.

I thought I was going to help place children in loving homes. Instead, I discovered that children are being trafficked through a sophisticated network that begins with being recruited in home country, smuggled to the US border, and ends when ORR delivers a child to a Sponsors – some sponsors are criminals and traffickers and members of Transnational Criminal Organizations. Some sponsors view children as commodities and assets to be used for earning income - this is why we are witnessing an explosion of labor trafficking.

Whether intentional or not, it can be argued that the US Government has become the middleman in a large scale, multi-billion-dollar, child trafficking operation run by bad actors seeking to profit off the lives of children.

As for me, my interest is in the safety of the children. I don't view this as a political issue. I view this as a humanitarian issue. My motives are the highest and best. I want to see the children protected, so I want to tell you some what I witnessed at the Pomona Fairplex:

- I saw vulnerable indigenous children from Guatemala who speak Mayan dialects and can't speak Spanish. That means they can't ask for help in English and they can't ask for help in Spanish. These children become captive to their Sponsors.
- I've sat with Case Managers as they cried retelling horrific things that were done to children on the journey.
- I saw apartment buildings where 20, 30 & 40 unaccompanied children have been released.
- I saw sponsors trying to simultaneously sponsor children from multiple ORR sites.
- I saw sponsors using multiple addresses to obtain sponsorships of children.
- I saw numerous cases of children in debt bondage and the child knew they had to stay with the sponsor until the debt was paid.

Realizing that we were not offering children the American dream, but instead putting them into modern-day slavery with wicked overlords was a terrible revelation. These children are a captive

victim population, with no access to law enforcement or knowledge of their rights. They are extorted, exploited, abused, neglected, and trafficked. This is why I blew the whistle.

I've witnessed firsthand the horrors of child trafficking and exploitation. My life will never be the same. But I have hope. I'm counting on you. It's my hope you'll take action to end this crisis and safeguard the lives of these vulnerable children."

People have asked me, "What would you do to turn the ship around?" I usually say some of the following:

- Commit to oversight, transparency, and accountability. #1 Priority for HHS is Oversight. Data from the UC program needs to be examined by expert data analysts. This can quickly be done by experts in the IG Community at the Pandemic Analytics Center of Excellence (PACE). Children could be rescued, and criminals could be prosecuted if the PACE had access to the data in the UC portal.
- Stop retaliating against whistleblowers. Stop retaliating against the truth tellers who are trying to help. As it is written, "A wise man listens to advice, while a fool continues in his folly." HHS needs to be wise.
- Change HHS' culture of speed over safety. Speed is the wrong performance measure.
- Revamp the vetting process of Sponsors and have Case Managers who are investigators, data analysts, certified fraud examiners, etc.
- Reimagine a system where the Sponsor is the accountable party. Sponsors should be required to report to ORR.

Again, I have hope. I'm counting on you. It's my hope you'll take action to end this crisis and safeguard the lives of these vulnerable children. Thank you for your time and attention to this urgent matter. I'd be happy to answer any questions from the committee.

Mr. MCCLINTOCK. Thank you very much. Your time has expired.

Ms. RODAS. OK. Thank you for the opportunity.

Mr. MCCLINTOCK. You're very welcome, and we'll get to questions now. Under the five-minute rule will be given Mr. Van Drew of New Jersey.

Mr. Van Drew. Thank you very much, Mr. Chair. First, I want to thank you for whistleblowing. It's people like you and all of you that when you come forward and tell the truth. Those are big words, tell the truth.

You want to know—and I'm going to be a little different and I'm going to be a little bit political because we have the other side of the aisle saying that we're hurtful, we're cruel, we're harsh, and we're inhumane. Our bill is bad. They were in the majority when this was all done.

This is their plan. I've spoken to Mr. Mayorkas numerous times, more than once, more than twice, more than three times. He has told me that there's nothing wrong, everything is fine, everything is good. Our system is working, and it's better than ever.

The bottom line is we changed the system a number of years ago where we opened our gates. We opened our doors. We don't have all the ability to take care of everybody all the time and that's the truth.

We have enough problems in America that we can only help legal immigrants and do things at a certain pace. We just can't let the gates be open. That is exactly what was happening under this administration.

It's exactly what they've done. I don't want to be partisan. Believe it or not, I don't like being partisan. I have to be in this case because when Mr. Mayorkas tells me nothing is wrong, when you see that adults are pretending to be children in some cases as well and taking advantage, when you see little babies that are just tossed aside, when you see children that are bought and sold, used for sex slavery and worse multiple times, the stories are horrific.

I know how you were sick. You know what? I don't want anybody from the other—if we want to find solutions, we have solutions. People have to stay home or go back home.

We need legal immigration. We need a border, a border that really works, a border that is solid, a border that doesn't allow this to happen to children. You know what? The real goal here is to bring in as many undocumented people.

You talked about speed, and that's the way they're doing it, as they possibly can, as fast as they can to just bring them in. So, the numbers go up double, triple. We see just millions upon millions of undocumented illegal immigrants.

It doesn't do them good. It certainly doesn't do these children good. That's what's cruel. That's what's harsh. That's what's inhumane. That's what's wrong and what's going on, and it has to be stopped.

We do need a system and we do have to look at HHS. That should've been done in the beginning two years ago when this all started. We weren't in control.

We didn't have the ability to do it. We talked about it. We asked about it. We pushed for a change. We didn't have the ability to do it.

So, I don't want anybody—and if they can do it. You come to me and say that it's my fault in the minority at the time or that it was the Republicans fault or that we're mean, bad people that want to hurt, no. This is the system that you set up on the other side of the aisle.

This is your system. This is what you did. This is what you made. Of course, it's not going to work. Of course, it's worse. It is so much better if children—they're trying to bring children that are undocumented over.

Let them go back to their home. Let them go through a legal process. I know it takes time, but it's the only way that's going to work.

We are destroying our country. We're hurting little babies. We're destroying other countries in the way that we're doing this.

What we're also doing is making a place for the cartels in America. I read somewhere recently. They said our latest challenge is going to have to be like the military to go after the cartels.

The cartels shouldn't even be in America. They shouldn't have the ability to do this to these children. These children and their families, whatever, are given false hope and false aspirations and I'm tired of it.

I'm tired of being blamed for something that somebody else made, that somebody else created that we didn't do. Mr. Chair, I yield back. Oh, I'm sorry. I'm going to actually yield—yes.

Mr. BIGGS. Many thanks, and I thank the gentleman for yielding. Mr. Carey, during your tenure of about two years, there were roughly 93,000 unaccompanied minors that came to HHR—or excuse me, ORR during your time. Is that a fair statement? You need to put the microphone on.

Mr. CAREY. I would have to check on those numbers.

Mr. BIGGS. That's what the official website indicates. Are familiar that since January 2021, there's been 356,000—just under 357,000 unaccompanied children that have come across?

Mr. CAREY. Yes, I'm aware of that.

Mr. BIGGS. Thank you. I yield.

Mr. MCCLINTOCK. The gentleman yields back. Ms. Jayapal for five minutes.

Ms. JAYAPAL. Thank you, Mr. Chair. I want to discuss the 85,000 so-called lost children that we've heard so much about in this Committee. Mr. Carey, as you testified, *The New York Times* wrote a detailed article with some very concerning stories related to unaccompanied children unlawfully working in some very dangerous conditions.

I've said before that these incidents are extremely upsetting. They need to be addressed. The article also discussed how the Office of Refugee Resettlement did not know the whereabouts of those 85,000 unaccompanied children who have been released to sponsors since the Biden Administration began.

Many outlets and some of my colleagues have latched onto this headline to claim that the Biden Administration has, quote, "lost 85,000 children." So, I want to start with the most important question because you ran the Office of Refugee Resettlement. Are those children actually lost by the Federal government?

Mr. CAREY. No, they are not. Approximately 85 percent, and during my tenure, 90 percent of those children were going to parents or very close relatives. Upwards of 70 percent, I believe, were going to their parents.

So, it was the reunification of families that was taking place. Now, it is true that some of those calls are not answered. However, not answering a phone call I do not believe constitutes losing a child.

There are some very legitimate reasons why those calls might not be answered. They're unknown numbers from the U.S. Government. They're not recognized.

I think that understandably people do not answer calls from unknown numbers. They may be fearful of traffickers, other forces. So, in short, I do not believe that constitutes being lost.

Ms. JAYAPAL. So, when somebody says lost, what they're talking about is that a phone call to verify and speak to the child was not answered. Then that gets constituted as, quote, "lost." So, if I remember correctly, in 2018, the previous administration was accused of the same issue when headlines appeared stating that the Trump Administration lost 1,500 children in a three-month period. Is that correct?

Mr. CAREY. Yes.

Ms. JAYAPAL. Those claims were untrue as well?

Mr. CAREY. I believe those claims were, in fact, true because the families were separated. Some children went at the time of entry. They were separated. There were data bases did not track where the parents went and where the children went. So, the situation was substantially different.

Ms. JAYAPAL. You're talking about a time when the Trump Administration actually separated thousands of children from their families. In fact, I remember going and visiting some of those parents in a Federal detention center. They had no idea where their parents were.

In fact, the government had no idea where those kids were. Can you discuss why the Office of Refugee Resettlement does not do more in its follow-up? I mean, that is one of the things that has been raised that I think we all want to understand. In your opinion, what more could the Office of Refugee Resettlement be doing?

Mr. CAREY. Well, I think it's important to understand what the parameters are on the ORR office operations. The statutory authority granted to ORR extends only up to the time of release. So, ORR has no authority to track or to investigate.

It's not an investigatory body. So, it's—or a law enforcement body. So, substantial resources are directed in that area. It lacks the expertise, tools, staff, and resources to conduct investigatory processes.

Ms. JAYAPAL. So, you mentioned in your testimony that ORR has no authority over children working, for example, illegal child labor. Is that correct? ORR—

Mr. CAREY. That's correct.

Ms. JAYAPAL. Who has responsibility for that?

Mr. CAREY. That would be the Department of Labor, I believe.

Ms. JAYAPAL. So, that is really not a function of ORR. I want to thank you, Mr. Carey, because I think this question of additional

post-release services and in fact even some of the Republican witnesses have talked about this. I think that's an area that we believe is important to ensure that there are in-person follow-ups, to ensure that there is appointment of counsel.

That's something we didn't cover. That's only going to help ensure that these kids stay safe and that their claims are heard. So, I appreciate your testimony.

It's important that we get the facts out there, that we don't use the word, lost, in way that's not factual because really what we're talking about is a phone call was made. That was not responded to. That phone call was not responded to for all the reasons that you mentioned. I thank you, and I yield back, Mr. Chair.

Mr. CAREY. Thank you.

Mr. MCCLINTOCK. Mr. Biggs of Arizona.

Mr. BIGGS. Thank you, Mr. Chair. I do think it's interesting that the Ranking Member of the Subcommittee earlier today and in the previous hearing referred to the crisis of the border as the so-called crisis, just like she referred to 85,000 lost children as so-called lost children. I think that gives you the mindset that you need to see.

When I was down at La Joya one time, I remember a CBP agent, and we went down there. If you remember how it is in La Joya, you go and you can watch people coming across the river. They're coming up the road, and there's a sign that tells them where to go, which way to go because that's where CBP is. It's just myself and an agent. It's nighttime, and we saw a group.

They saw us. We're 200 yards away. There's 150 or so of them. They don't want to come because they're not quite sure who we are.

So, we yell at them. We're Border Patrol. Come on up. So, they come on up. There was nobody over the age of 18, no one. We had kids who were three years old coming across.

Who are they coming with? A coyote had brought them across the river and said, "go your own way. Go with this group of people." Is that humane, Ms. Rodas?

Ms. RODAS. No.

Mr. BIGGS. Ms. Rodriguez, is that humane?

Ms. RODRIGUEZ. No, absolutely not.

Mr. BIGGS. Ms. Vaughan.

Ms. VAUGHAN. No, not at all. There are policies that entice people to come like that. Frankly if we're talking about relying on phone calls as so-called monitoring of kids post-placement, that's not—

Mr. BIGGS. I'm going to get into that. Don't go there yet. I'm going to get into that. I've been in Yuma, and I have seen the evidence of kids being reused to create a family unit.

Same kid, same kid, over and over again, rent-a-kid, not humane. We're told that calling 85,000 children lost that have been placed—and by the way, it's not 90 percent going to parents anymore. It's a third or less going to parents in today's statistics and numbers.

The Ranking Member wants to get the facts out. Those are the facts. Ms. Rodas, you have said the U.S. Government is the middleman in a multibillion dollar migrant child trafficking operation. What did you mean when you use the term, middleman? Microphone, please.

Ms. RODAS. So, the U.S. Government is receiving the children from the smugglers at the border. HHS is a 2.7 trillion-dollar agency. Over the last two years has spent approximately 10 billion dollars. So, they are using that money to receive those children and then transport those children to the end user.

Mr. BIGGS. When you say end user, we're not talking necessarily even a blood relative. So, I heard the Democrat witness talk about vetting. Can any of you talk about vetting? I can talk about vetting, but I want to hear from the witnesses. Tell us about the vetting that you've observed.

Ms. RODAS. Well, in my personal capacity as the deputy of the Federal case management team, vetting I would like to say with Mr. Carey what he said is they are not an investigative organization, nor are they law enforcement. There was no one. I was shocked and I am stunned that was no one with law enforcement experience overseeing where children are going.

You have people applying for children who we know are members of transnational criminal organizations, yet there's no one with any data analytics background or anything like that overseeing this operation. It doesn't really pass the commonsense test when we're pumping billions of dollars into a program that's overseen by people who simply are not qualified to do the job. When one individual can sponsor 20, 30, or 40 people and no one is asking a question about it, there's something seriously wrong and flawed with that program.

Mr. BIGGS. That's ultimately how they found that one child in Yuma, because everybody was going to the same place in Charleston, South Carolina. Ms. Vaughan, you were going to expand on the phone calls which I agree with you. I only have time to ask the question. What goes on in that phone call? Then I want to submit some stuff for the record, Mr. Chair, after she's done.

Mr. MCCLINTOCK. Briefly.

Ms. VAUGHAN. Yes, a phone call is not sufficient to detect whether the child is in a safe environment. A phone call is not enough to know if a child is being abused, or if a child is in a forced labor trafficking situation. That is not acceptable monitoring and shouldn't be considered monitoring at all.

That is just a contractor going through the motions of trying to see if a child is there. Frankly, I think almost all these kids are actually lost because the Federal government is taking no responsibility.

Mr. MCCLINTOCK. Thank you. The gentleman's time has expired, but you have some unanimous consent requests?

Mr. BIGGS. Yes, Mr. Chair. I have a letter that I wrote to ORR, the Director of ORR in October, and her response in January of this year admitting that they had lost contact with more than 42,000 children.

Mr. MCCLINTOCK. OK. Without objection. We now recognize Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chair. Mr. Carey, I want to discuss the vetting process the Office of Refugee Resettlement undertakes before it releases any unaccompanied child to a sponsor. Here's some of the news organizations talk about this process. Do you think the children are just given to anyone? It's really much more

extensive than that. Can you discuss the assessment that ORR does of each sponsor, what kind of application interview and background checks does each potential sponsor undergo?

Mr. CAREY. Certainly. I'd like to point that at the time that the children are turned over to ORR from CBP, there is documentation that they have determined is valid or worth passing on. So, before a child enters ORR custody, there has been a vetting process. That continues for the—that is why children tend to be in our care for on average one month where the ongoing vetting process takes place.

It is a rigorous one. It involves relationships with the countries of origin where primary information is available. Any documentation is available from the sponsors including fingerprinting, licensing, license information, whatever checks out against multiple data bases, including those for criminal records or anything of that sort. So, it is a rigorous process, and it goes on for at least a month. So, establishing family relations that are done in concert with the countries of origin and original documents are obtained.

Mr. NADLER. Despite the fact that there have been some pretty heartbreaking stories of sponsors being traffickers or using the children to work, it's my understanding this past Fiscal Year over 85 percent of sponsors are close family members. Is that correct?

Mr. CAREY. Yes, it is.

Mr. NADLER. Would you say that percentage is about on par with what you saw when you were the Director of ORR under the Obama Administration?

Mr. CAREY. It was very close. It may have changed. It varies over time, so a percentage or two different but roughly the same.

Mr. NADLER. Can you share any experiences you had as Director of ORR of reuniting an unaccompanied minor with their family in the United States?

Mr. CAREY. Yes, in many instances, it is known that families have been separated for extended periods of time. Children have been traumatized in their home countries. The rule of law is limited.

They've often been targeted gangs or violent elements often as they reach adolescence. So, children are being put in the care of their families which is, I believe, where children should be if at all possible. It has been established that congregant care facilities are not an ideal location and are, in fact, harmful for children.

So, I do think that ORR is reuniting families, and that's the authority that was given to it by Congress. So, the research is rigorous. It's exhaustive, and it's based on whatever information is available. As I said before, ORR is not an investigatory body.

So, there are limits as to what it can do. There are data bases, there's fingerprinting, there's the background checks, and there are interviews.

Mr. NADLER. Thank you. Based on what we're hearing today, the reality is that the issues Ms. Rodas and *The New York Times* have flagged should not be happening under current law and policy. I'm very glad that ORR has announced that it's conducted an audit of its vetting process. Mr. Carey, can you discuss the inherent tension that exists between trying to ensure the safety of all these children,

while also ensuring the children are not held in ORR custody for a long period of time?

Mr. CAREY. Yes, it is a delicate process because children could, in theory, be kept in care indefinitely. The goal is ultimately to reunite children with a caregiver, with a parent, with a family member, or an individual who is designated by their parent as the ideal sponsor. So, it's important that children be closely—their placement be closely vetted which it is to the extent possible, but also paramount that children can be reunited with a family member and placed in a home environment.

Mr. NADLER. Thank you. I'd like to submit—Mr. Chair, I'd like to submit for the record the testimony of the Director of ORR in front of the House Oversight Committee that more than 85 percent of unaccompanied kids are reunited with their families.

Mr. MCCLINTOCK. Without objection.

Mr. NADLER. Thank you. I yield back.

Mr. MCCLINTOCK. The Chair now recognized Mr. Roy of Texas.

Mr. ROY. Thank you, Chair. I would note that were my child one of the 15 percent, even if I take the Chair or the Ranking Member I should say at their word, I would be pretty frustrated about your child being lost. If you're saying your kid is at school and they say, well, we kept up with 85 percent of them. Boy, would you feel good about the education system?

Because what about those other 15 percent of kids, even if you take the Ranking Member at his word? I've got a FOIA request here from Judicial Watch from—this is now six years dated. It is a laundry list of incidents put out by ORR, the FOIA request detailing laundry list of abuses of children.

This one, a young girl reported she was inappropriately touched by an unknown male immigrant in the group after entering the U.S. Another one, several people reported to staff they were inappropriately touched, another where somebody paid money to have sex with her, another—go down the list of hundreds of these examples. Somehow in the greatest country in the history of the world, the most powerful country in the history of the world, we think this is a system that we should defend.

It blows my mind that my colleagues on the other side of the aisle want to defend a system of laws that allows this to occur to children, and then brush away that MAGA extremist *The New York Times* for daring to point out that 85,000 kids aren't being found from the first contact my colleagues on the other side of the aisle say. Oh, OK. We just didn't get them on that first call.

I would ask each of the witnesses very quickly, do you think that the data that's showing that since President Biden took office that 356,665 unaccompanied alien children have crossed the southern border that we know of and been placed in HHS custody is a system that attracts that number of children unaccompanied to come across our border to be exploited by cartels, to be put into the sex trafficking trade, to be put into the slave labor trade, to be sexually abused, to die on ranches in South Texas, or to drown in the Rio Grande? Yes or no, is that a system that you're proud of as an American and that you think is good?

Ms. RODAS. No, Congressman.

Mr. ROY. Thank you, ma'am. Ms. Rodriguez?

Ms. RODRIGUEZ. No, sir. I'm appalled.

Mr. ROY. Ms. Vaughan.

Ms. VAUGHAN. No indeed.

Mr. ROY. Mr. Carey.

Mr. CAREY. I'd like to point out—

Mr. ROY. It's a yes or no question. Are you proud of a system in this country that has 356,000 unaccompanied alien children that allow that to occur to children that we know? By your own acknowledgment and testimony, by our own understanding, children are being abused and raped. They get killed in this process. The system that we created to allow and attract that flood across our border, do you think that is a good system and are you proud of it as an American?

Mr. CAREY. These children are fleeing violence and threats of death in their country of origin.

Mr. ROY. The numbers have been spiking under this administration because of the policies of this administration and it is well documented. I just want to make clear. You're standing behind the policies of this administration that you're proud of these policies and that is allowing to occur to these children?

Mr. CAREY. I do not currently work for the administration. I was—

Mr. ROY. Doesn't matter to me. Are you proud of the administration's policies and what currently is occurring to these children because of the policies attracting 356,000 unaccompanied alien children when we know the data, 85,000 lost, reams of scores—you worked there. You know of the rapes, of the people getting killed, and of the slave labor. Do you think this is a system that we should say we're proud of?

Mr. CAREY. I believe we should provide protection to children who are fleeing death and persecution.

Mr. ROY. Let me ask you a different question.

Mr. CAREY. They should be allowed an opportunity—

Mr. ROY. Do you believe that the TVPRA policies adopted that unchecked and unfixed by this current Democratic Administration and my colleagues on the other side of the aisle, did that have anything to do with attracting all those children across the border?

Mr. CAREY. Well, I do believe that the Trafficking Victims Protection Act is an important component of U.S. child protection—

[Simultaneous speaking.]

Mr. ROY. Is it a magnet right now, the way it's currently constructed? While children were riding on the top of train cars, President Obama was appalled. Jeh Johnson was appalled. This administration doesn't seem to care. Yes or no, is our current system a magnet to kids?

Mr. CAREY. I do not believe it is.

Mr. ROY. You don't believe it's a magnet?

Mr. CAREY. No.

Mr. ROY. Well, that's the problem. I yield back.

Mr. MCCLINTOCK. The gentleman yields back. Next is Mr. Swalwell.

Mr. SWALWELL. Thank you. Ms. Rodriguez, welcome and thank you for coming today to testify. Ms. Rodriguez, were you at the Capitol on January 6th?

Ms. RODRIGUEZ. Was I at the Capitol?

Mr. SWALWELL. Yes.

Ms. RODRIGUEZ. No, sir. I was on the premises outside of a reflection pond waving a flag.

Mr. SWALWELL. So, you were on the Capitol grounds?

Ms. RODRIGUEZ. I'm not sure if that's technically Capitol grounds. I was near the street.

Mr. SWALWELL. Is this your tweet right behind me at 3:05 on January 6, 2021?

Ms. RODRIGUEZ. I really do not know. I can—

Mr. SWALWELL. Are you @SecureBorderTX?

Ms. RODRIGUEZ. Yes, sir.

Mr. SWALWELL. OK. Can you see that picture?

Ms. RODRIGUEZ. I can.

Mr. SWALWELL. Did you go any farther than you were in that picture?

Ms. RODRIGUEZ. No, sir.

Mr. SWALWELL. Did you ever cross any police barricades on January 6th?

Ms. RODRIGUEZ. Not that I'm aware of.

Mr. SWALWELL. Did you ever see any violence on January 6th?

Ms. RODRIGUEZ. No, I did not. I did see a red flare go up. I don't remember the time. That was about it. I did not encounter any violence. As a matter of fact, it was quite peaceful. I was involved in some prayers the day before.

Mr. SWALWELL. So, January 6th, over 150 officers were injured. One lost an eye. One lost a finger. One lost a life. You didn't see any violence?

Ms. RODRIGUEZ. No, sir. I did not. That was not my experience.

Mr. SWALWELL. You agree, though, that violence against police officers took place that day?

Ms. RODRIGUEZ. Sir, I'm not quite sure that this has to do with the exploitation of children like the young girl who wore this band.

Mr. SWALWELL. I guess you recall—you publicly tweeted this. The majority knew that you were on the Capitol grounds on January 6th. So, your credibility is just as every witness including the Democratic witness is fair grounds for questioning. So, I guess my question is you are aware that violence took place at the Capitol on January 6th?

Ms. RODRIGUEZ. That's what the media says.

Mr. SWALWELL. OK. Do you believe the media?

Ms. RODRIGUEZ. Inherently, I do not.

Mr. SWALWELL. No, about January 6th.

Ms. RODRIGUEZ. About January 6th? I can only go by my personal experience. Absolutely, if waving a flag and praying outside of the Supreme Court and standing outside waving a flag on public property is a crime, I'm not—again, I'm really not sure what relevance. We have children that are being raped using our taxpayer dollars.

Mr. SWALWELL. Others—

[Simultaneous speaking.]

Ms. RODRIGUEZ. I'm not quite sure what this has to do with me waving a flag has to do with that.

Mr. SWALWELL. So, you were among a crowd that did commit violence. My question for you is—I accept you at your word. You did not commit any violence that day. You didn’t see any violence that day. Certainly, it’s not a lie. It’s not made up that 150 officers were injured.

[Simultaneous speaking.]

Mr. SWALWELL. My question is to your credibility. Will you condemn the violence that took place against the officers that day?

Ms. RODRIGUEZ. Absolutely. I absolutely condemn any violence, including the violence that is occurring at our southern border using our taxpayer dollars. Absolutely.

Mr. SWALWELL. OK. Did you tell the majority before they invited you here that you had participated on Capitol grounds on January 6th?

Ms. RODRIGUEZ. Did I tell the majority that I waved a flag on—
[Simultaneous speaking.]

Mr. SWALWELL. Did they know that you had been at the Capitol on January 6th—

Ms. RODRIGUEZ. It was not a question that I was asked. No, sir.

Mr. SWALWELL. As it relates to January 6th, you also posted a tweet that encouraged people to attend that day and, quote, “fight for Trump.” Do you remember writing on January 1, 2021, imagine over a million patriots screaming fight for Trump. Think Congress and the Supreme Court will hear us. When you say, fight for Trump, and then there was actually fighting, physical fighting on behalf of Trump—

Ms. RODRIGUEZ. Sir—

Mr. SWALWELL. What did you mean?

Ms. RODRIGUEZ. —are stating that I tweeted that?

Mr. SWALWELL. You don’t remember tweeting?

Ms. RODRIGUEZ. No, sir. I honestly do not.

Mr. SWALWELL. OK. So, on January 1, 2021, you sent a tweet that said, imagine over a million patriots screaming, quote, “fight for Trump” on the 6th. Think Congress and SC which I believe is Supreme Court will hear us then, *#fight* for Trump. Your testimony is that you did not say that?

Ms. RODRIGUEZ. I’m saying I do not—I honestly do not remember tweeting that. I was not very active on Twitter.

Mr. SWALWELL. Well, you also tweeted at 4:00, I just got home—you said I just got home safely, I think you meant home—at BWI airport as the gate filled up with those of us with Trump gear on and several Army soldiers near time to boarding. Our gate was surrounded by airport security.

Mr. McCLINTOCK. Will the gentleman yield for a moment?

Mr. SWALWELL. No, I will not yield. So, you tweeted regularly throughout the days leading up to January 6th. You ask people to fight for Trump, and then you took a picture of yourself near the Capitol. So, I just want to know when you say fight for Trump and people ultimately fought for Trump, do you regret those words?

Ms. RODRIGUEZ. Sir, I do—the second one that you just read, yes, because that was a very traumatic experience. I couldn’t understand why my gate surrounding—and BWI was surrounded by Guardsman and how I was—we as a whole, everyone that was on that plane, were threatened to be removed. I could not understand

because again I did not experience any type of violence. As far as the first one that you—I would have to go back and look at that. I really do not honestly remember tweeting that first one.

Mr. SWALWELL. I'll make sure to get it to you.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. SWALWELL. I just want to correct. I said January 6th for the BWI airport. It was January 7th. I just want to—January 7th was when you tweeted—

[Simultaneous speaking.]

Mr. MCCLINTOCK. Mr. Nehls.

Mr. NEHLS. Thank you, Mr. Chair. Ms. Rodriguez, I apologize that you had to—you're here for a hearing on the border. They don't want to talk about a border. Mr. Swalwell is down there. Obviously, everybody knows he's made some comments. He's got a checkered past.

[Simultaneous speaking.]

Mr. SWALWELL. I'm sorry? A checkered past? I would ask—

Mr. NEHLS. It's my time. Alleged affairs and relationships with Yum Yum.

[Simultaneous speaking.]

Mr. SWALWELL. No, no, no, no, no. You don't get to say that shit. That's not true.

Mr. NEHLS. He's had alleged relationships with Yum Yum.

[Simultaneous speaking.]

Mr. NADLER. I ask the gentleman's words to be taken down.

Mr. SWALWELL. No, no, no, no, no, no, no. You don't get to say that, pal.

[Simultaneous speaking.]

Mr. NADLER. We ask the gentleman's words to be taken down. He's casting a slur on another Member.

Mr. NEHLS. I am here—

Mr. NADLER. I ask the words of the gentleman be taken down. He's casting a slur on another Member.

Mr. MCCLINTOCK. Let us have some order and civility here, and we will take up the issues one by one.

Mr. NADLER. Mr. Chair, I ask that the words of the gentleman be taken down as expressing a slur on another Member.

Mr. CICILLINE. I join in that request.

Mr. MCCLINTOCK. The specific words were—

Ms. JAYAPAL. He mentioned that Mr. Swalwell had a checkered past. I don't have the rest of the exact words. It was a direct slur on a Member of this Committee. That is not acceptable.

Mr. MCCLINTOCK. We are going to consult the precedents and take a temporary recess.

Ms. JAYAPAL. Thank you.

[Recess.]

Mr. MCCLINTOCK. Would the gentleman wish to withdraw his words?

Mr. NEHLS. Yes, and I would like to rephrase. This is the same Member that was removed from the Intelligence Committee that he previously served on. So, now let's get right down to the serious business as it relates to our southern border.

My question is more related to those who claim to be minors but pose as the adults. I've got several articles in here, Border Patrol

nabs hundreds of illegal immigrant adults posing as children. Border Patrol nabs illegal immigrants who pose as unaccompanied minors to avoid deportation.

This is an article here with our school districts across the country that are dealing with this. This is from city officials in Lynn, Massachusetts that talked about adults now—adults that are in this country. They posed as minors.

They're in this country. Now, we've got 23-, 24-, 25-, and 30-year-old people in our high schools. Think about that. They're in our high schools. They're across the entire country.

City superintendent of schools, Catherine Latham in Lynn, Massachusetts says this is out of control. These individuals are in their schools. There's very little documentation.

It says, Federal policy prohibits city officials from inquiring into a child's immigration and citizenship status and background. We've got problems here, folks. We've got problems, and the left is just continuing to ignore it. They're ignoring it. Mr. Carey, what proof—since we've got individuals coming in here, what proof is required to determine a minor's age?

Mr. CAREY. Well, you talked about screening at the border. So, Customs and Border Protection, I believe, is the law enforcement entity that determine that these—

Mr. NEHLS. DNA, my friend, do they do—

Mr. CAREY. No, I think these children were determined not to be eligible as minors before they would have been turned over to ORR.

Mr. NEHLS. OK.

Mr. CAREY. So, a law enforcement body determined that they were not minors and they did not go into ORR.

Mr. NEHLS. Yes, so DNA, birth certificates, passports, medical records, what does somebody need to produce?

Mr. CAREY. Well, in fact, birth records and a host of other materials are collected, both from country of origin and—

Mr. NEHLS. What happens if they don't have any of these documents, sir?

Mr. CAREY. Well, I believe there are individual circumstances. Those are, in fact—

Mr. NEHLS. What is the protocol then?

Mr. CAREY. Well, I think it would vary greatly. I do not know what it is currently, because I'm not in the office.

Mr. NEHLS. This guy here behind me, I'd like to spend a moment with this guy. This guy here, 24 years old, he posed as a minor. He comes into this country, shares a fake name.

It's not him. He wasn't a minor. He said he was 16–17. He comes in. He's 24 years old. ORR releases him. They send him to Florida. He's over there hanging out with a fellow, his sponsor, not a father, not a mother, just a sponsor.

What does he do a few short months later? He kills him. He kills him. Now, I don't know what the protocol is down there. When I look at this guy, he's got more chin whiskers than most 40-year-olds have.

Look at that guy. Now, how does a guy like that get into this country as a minor? He comes in. He says, my name is such-and-such. No such name. He gets released into this country, and he took a life.

There's just more than this guy. There are hundreds if not thousands of them in this country posing as minors. I could sit here and talk about the MS-13 gangs that are coming in here and harming our American people and our citizens. What are we doing about it?

Ms. Vaughan, I wish I had more time. I do. Ms. Rodriguez, ma'am, thank you for what you do. Thank you for exposing what this administration has done to this country, putting the American people last each and every time. We're in control now, and I can damn well tell you, help is on its way. Thank you, sir. I yield back.

Mr. MCCLINTOCK. Ms. Ross.

Ms. ROSS. Thank you, Mr. Chair. Earlier this year, I joined several of my colleagues on this Committee to visit McAllen and Brownsville, two Texas border towns. While there, we visited an Office of Refugee Resettlement facility that houses unaccompanied children.

All these children had families or sponsors in the United States who were waiting to take them. We learned that to ensure these kids are treated humanely when they leave ORR custody, ORR conducts an assessment of the sponsors to determine that the child is placed in an appropriate environment. What struck me most about our visit to the border was how much our immigration and asylum system relies on nonprofits and community services in areas like McAllen and Brownsville.

The Biden Administration is working to scale up post-release services through which children and their sponsors are connected to community-based services with the goal of being able to provide these services to every child soon. Unfortunately, this Committee has already seen too many proposals this year to strip unaccompanied children of basic protections. The Border Security Enforcement Act would leave kids with a mere cursory screening by law enforcement personnel, lacking child welfare expertise who would be less likely to pick up on signs of trafficking and exploitation which I take extremely seriously.

As a State legislator, I moved through trafficking bills in North Carolina. It would also result in a summary return of many kids who fled legitimate dangers in their home countries. Children who arrive at our southern border have often escaped violence, human traffickers, and gangs in their own countries. Mr. Carey, in your opinion, is it better to allow children to remain in the United States if we can properly vet the sponsors or to summarily deport them with limited due process back to a dangerous situation?

Mr. CAREY. Thank you for the question. It is well documented that these children are coming from three of the most violent countries in the world where there are extrajudicial killings where children are recruited or targeted by gangs or violent elements at the time they reach adolescence. So, no, I do not think without a proper hearing a determination of their legal access to asylum is determined with ideally legal representation as recommended by the TVPRA and Flores.

I also think a society is defined by the way we treat our most vulnerable. Returning—and children are among the most vulnerable. So, returning children to a situation in a country where their lives are at risk, and some have been killed on return does not reflect well on us. I do believe they should have access to a legal

hearing determining the nature—that their claim is either valid or invalid.

Ms. ROSS. Thank you very much. We did hear from some of those children adolescence who had left very dangerous situations. Mr. Chair, just for a brief period of time before I reclaim my time, I'd like to yield about 15 seconds to Mr. Nadler.

Mr. NADLER. I thank the gentlelady. Mr. Carey, I just wanted to ask if I'm correct in that what you were saying before is that conditions in their home countries are pushing these people, kids and adults, out. It does not matter who the President of the United States is or what their policies are. These kids would be coming because of conditions in their home countries.

Mr. CAREY. Absolutely. That's very well documented.

Mr. NADLER. Thank you very much. I yield back. I thank the gentlelady for yielding.

Ms. ROSS. Thank you. Just I completely agree with all the witnesses that we need to do more. When we went to the border, we saw just sad, sad situations with children. I want you to know, all of you to know, that I am committed to helping and hopefully in a bipartisan way, helping these children and making sure that they are safe. Mr. Carey, just in the 10-seconds that we have, have we seen any improvements in the situation that you think Congress should invest in further?

Mr. CAREY. Absolutely. I think post-release services which would provide legal representation and social workers on an expanded level which I know ORR is increasing and would like to have fully in place within the next two years provides another eye on these children, provides a degree of protection that might not otherwise be present. Also, where present, over 90 percent of the children show up at their hearings.

If there is a problem, there are entities and individuals who can determine that it exists and refer to social service providers or law enforcement as appropriate. So, I think that is what I do think that there should be. There is unfortunately an audit process going at ORR to determine what the flaws are and how those can be improved upon. I do think that clearer lines of authority and communication between those entities, such as, ORR which are in essence social service providers and law enforcement and other bodies would be an improvement on the current program.

Mr. MCCLINTOCK. The gentlelady's time has—

Ms. ROSS. Thank you, Mr. Chair, for your indulgence.

Mr. MCCLINTOCK. Mr. Moore.

Mr. MOORE. Thank you, Mr. Chair. Just a week ago, *The New York Times* reported that the Biden Administration has downplayed repeated signs that migrant children are being widely exploited. I will go on the record and say it doesn't sound like just the Biden Administration based on what I'm hearing in here.

Ms. Rodas, you mentioned something. It kind of—it triggered a response a while ago. You said these kids are being recruited in their home country. What do you mean by that?

Ms. RODAS. So, I'd be happy to submit for the record. We have children saying that there are radio advertisements in their hometown. So, in Huehuetenango, for example, in Guatemala, they're

actually advertising on the radio, come with us. We'll give you passage. We'll give you passage to the United States.

There's an example of a sponsor who currently is in Austin, Texas at this moment. He attempted to sponsor four children, one from the Pomona Fairplex emergency intake site and three from the Pecos emergency intake site promising work to these children who are making \$2.50 a day on the coffee farm he owns in Guatemala. So, he lured them here.

Now, fortunately they were put into long-term care. They are being lured here, Facebook ads and other things. Children are being lured here and then put to work here.

Mr. MOORE. So, it doesn't sound like they're fleeing as much as they're being moved to come here in a lot of ways from what I'm hearing.

Ms. RODAS. In many ways, they're not fleeing, in many ways. Let's take El Salvador, for example. No one is fleeing from Nayib Bukele. He has a very safe society right now.

Yes, maybe in times past, people were fleeing El Salvador from the gangs. Sadly, the gangs have now set up operation here. We have evidence that there are many of them who are running the networks here who have the children.

It's indisputable evidence. The Department of Homeland Security has transnational criminal organizations on the top watch list. Some of whom got their fingerprints here in Washington, DC, and neighboring areas are sponsoring the children. It's indisputable.

Mr. MOORE. You mentioned debt bondage. What do you mean when you say debt bondage? Who does the money go to?

Ms. RODAS. So, the money goes to the trafficker who ultimately brings them here. *The New York Times* actually showed, Hannah Dreier did an amazing expose where she actually showed the debt page of the child, how much the child had to pay for food, how much the child had to pay for rent, all of those things.

Mr. MOORE. So, the administration is really—we're engaged in creating slavery. We are trafficking slaves to this country.

Ms. RODAS. Absolutely. There is no doubt. We have created a pull. Because this criminal element tragically views children as a commodity and they see us as the middleman because we're paying the flight directly to the end user, the trafficker.

[Simultaneous speaking.]

Mr. MOORE. I remember. I was at Fort Bliss, the emergency intake center. I mentioned this last week in a hearing. I was there as they were shipping kids on buses all over the country.

I actually asked the admiral running the place. I said, we're doing background checks. We're sending these kids to Google addresses. He's, like, no, we're just building the bus as we drive it. So, they were just shipping. American taxpayers, basically we're trafficking children.

Ms. RODAS. Yes.

Mr. MOORE. Making the cartel wealthy in the process and creating a bunch of minors in bad, bad situations.

Ms. RODAS. Yes, yes. Going back to 2014 which was astounding to me because I did not know when I deployed for this mission that one child had ever been trafficked through the program. So, the horror when someone sent me the 2016 Senate report, I'm sitting

there on the Pomona site seeing all these strange things and all these multiple sponsors at multiple addresses trying to collect these kids from multiple sites. I read the report. I thought, which side am I on?

Mr. MOORE. Right, which side are you on.

Ms. RODAS. Which side because we know about trafficking all the way back then how teens were lured from Guatemala, put in slave labor conditions where they were held sometimes at gunpoint. Their families were threatened to be killed.

Mr. MOORE. So, I've got about 45 seconds. Thank you for being a whistleblower. I guess they didn't treat you very nicely when you blew the whistle I understand.

Ms. RODAS. No, they did not. They threatened me with investigation. They walked me off the emergency intake site. They took my badge. My agency—thankfully I work for the Council of the Inspectors General.

I'm not here in that capacity. They actually offered to send agents to retrieve me to escort me home because they were concerned for my safety. It's a terrible thing when you blow the whistle and to try to save children and then you are retaliated against for trying to help. HHS did everything they could to keep all this silent.

Mr. MOORE. Let me ask one more question. You said these kids—they talk about, oh, we're sending them to their moms and their dads. You're saying they hand them a piece of paper and tell them this is your mom, and this is your dad? Is that what I gathered from the testimony?

Ms. RODAS. Well, as they're making their journey, that happens. Then also the case managers who are not law enforcement, right, they're not investigative, they are receiving documents, photographs of documents on their WhatsApp phone. There's a perfect example.

A 20-plus-year-old man sponsored what we believed was his sister who was only 16 years old. He submitted a birth certificate for himself and her as brother and sister. Then about 10 days after she's released, we see she's for sale on his WhatsApp page. Her shirt is buttoned down to her navel. She's all made up. The documents, there is no one at HHS vetting the children—

Mr. MOORE. That's where we need law enforcement. I'm out a time. Mr. Chair, I yield back. Thank you.

Ms. JAYAPAL. Mr. Chair, I have a unanimous consent request.

Mr. MCCLINTOCK. State the request.

Ms. JAYAPAL. Thank you, Mr. Chair. I would like to seek unanimous consent to enter into the record two articles, one from *Slate Magazine*, Nayib Bukele is Latin America's first millennial dictator, and another one from *CNN*, why El Salvador's President Nayib Bukele wants everyone to know about his new prison. This one actually talks about how he went and conducted secret talks with the MS-13 leaders in prison and wanted—essentially it was looking to release those gang members.

Mr. MCCLINTOCK. Without objection.

Ms. JAYAPAL. Just wanted to make it clear that we're not talking about a country that has a benevolent government. Thank you, Mr. Chair.

Mr. MCCLINTOCK. The gentlelady is recognized to make a unanimous consent request, not a speech. Mr. Cicilline.

Mr. CICILLINE. Thank you.

In just the first four months of 2023, U.S. officials have encountered more than 70,000 unaccompanied children. These children, some of them too young to even fully understand where they are, are some of the most vulnerable people to go through our immigration system. They desperately need to be shown care and compassion, the same that we should want for any of the children in our own lives.

Instead, as we know, they are increasingly being put to work in illegal and unsafe jobs, or even worse, sent back into unsafe conditions or human traffickers. We cannot allow this to happen.

What do our Republican colleagues propose we do about this? Just recently, my colleagues across the aisle passed out of this Committee a bill which guts existing protections for unaccompanied children and blocked efforts to allow government-provided lawyers to represent these children at hearings. Simply put, they are making an already complex problem worse.

I know every single Democrat on this side of the dais is ready to do all that we can to improve this effort and ensure that we have the Federal resources devoted to ensuring that no children are forced to work illegally or in the hands of anyone they shouldn't be.

So, I want to ask you, Mr. Carey, first, we all recognize that more has to be done to protect these vulnerable children. What authorities do you suggest Congress give to help these children? Would government-provided counsel, for example, be helpful to protecting children released to sponsors? What sort of role could an attorney play? Do you think legislation that our colleagues just passed that bans the government from providing counsel to unaccompanied children would result in more exploitation of children or less?

Mr. CAREY. I certainly think it would provide more exploitation. When children are in touch with an attorney, they are in regular touch. It ensures they show up at their hearings determining whether they have a claim and whether their lives were in danger in their country of origin. It also is an extra party who is seeing the child, who can assess whether they are in physical danger, whether they are going to school, and whether they are still living with their parents or their other sponsors.

So, yes, I do believe that post-release services, which would also include access to social services, and a host of other physical health services, ensuring that physical needs are being taken care of, educational services and linkages with other community-based services for which children are legally entitled to access. So, yes, I believe these would be extremely beneficial.

Mr. CICILLINE. Mr. Carey, in your testimony, you also indicated that HHS does not have the authority to investigate what happens to children after they leave HHS custody. What agencies do have the authority to investigate those who might put children in exploitative or dangerous working conditions, or other—

Mr. CAREY. Well, certainly, the Department of Labor has the authority to investigate and enforce labor law, and that would cer-

tainly extend to the exploitation of children in unsafe working conditions or underage children working in conditions of that sort.

So, other law enforcement bodies, I believe, as well, though I'm not expert in that area.

Mr. CICILLINE. So, what can Congress do to ensure that the Department of Labor, as an example, has what it needs in terms of resources to go after employers who put children in any kind of danger?

Mr. CAREY. Well, I coauthored a piece in *Slate* with a colleague who is a labor law expert about a month ago. She determined, the research that she did show, the Department of Labor is very much underfunded. So, the ability to inspect and enforce labor law is, I gather, quite limited. So, certainly, funding to that body to enable it to investigate and prosecute would, I believe, be a critical factor in reducing the potential for exploitation of children.

Mr. CICILLINE. Finally, in light of that statement you just made, our colleagues are about to pass a proposal to deal with the default of the United States, where they are proposing massive cuts—a 22 percent cut, in fact—on HHS, the Department of Labor, and the Office of Refugee Resettlement. So, rather than increases, there are going to be very serious cuts.

How would those cuts, which they are going to vote for this afternoon or tomorrow, how would those impact the catastrophe that we've heard about with respect to unaccompanied minors?

Mr. CAREY. Well, I believe that the expansion of post-release services which is underway—and hopefully, will be funded—would be a critical element in expanding the protection of children beyond the point at which ORR has the authority to do so. So, that is moving forward, and that has expanded in recent years since my departure. Those include mental health services, social work support, physical health services, educational, and other community-based services. I think all these enhance the protection of children beyond the extent that ORR is able to do so. So, I think cutting back those services, inherently, increases the threat to children and society writ large.

Mr. CICILLINE. Thank you. I yield back, Mr. Chair.

Mr. MCCLINTOCK. I'll now recognize myself for five minutes.

First, Ms. Rodriguez, on behalf of the Committee, I apologize for the personal attack that was hurled your way in the vile insinuations. That has no place in this Committee.

Ms. Vaughan, I want to nail down this question of 85,000 children being simply lost by the administration. We're told that's OK; they're just not answering their phones. What does it actually mean to lose track of these children?

Ms. VAUGHAN. Well, HHS has consistently denied that it has any authority or responsibility to—

Mr. MCCLINTOCK. The point is, they're supposed to be doing follow-up phone calls, correct?

Ms. VAUGHAN. Right. Well, that's what they—

Mr. MCCLINTOCK. Those follow-up phone calls for those 85,000 children now are simply going unanswered. We don't know where they are. How do we know what has happened to them?

Ms. VAUGHAN. We don't, and that's the problem. I don't think we really know what happens to those who do answer the phone.

Mr. MCCLINTOCK. Ms. Rodas, what kind of vetting is actually done to assure somebody claiming to be a relative actually is?

Ms. RODAS. Well, again—

Mr. MCCLINTOCK. Not a DNA test, for example?

Ms. RODAS. —as Mr. Carey mentioned, there are no investigative or law enforcement people involved in the vetting process. In my experience, with what I witnessed at the Pomona Fairplex emergency intake site, case managers were receiving photographs of documents. There is no way—there was a very small percentage that we were actually able to put through the consulate to verify. People are just going off the word of who is ever sending in the documentation.

The vetting process is, practically, nonexistent. They like to talk about a vetting process, but there's no law enforcement involved in the vetting. So, how can there be a vetting process?

There's lots of talk about the post-release services. Post-release services, 25 percent of the children who we released got it.

Mr. MCCLINTOCK. Do we visit—

Ms. RODAS. It's not enforceable.

Mr. MCCLINTOCK. Do we send somebody to visit these homes before these children are deposited in them?

Ms. RODAS. No, absolutely not. The history is about—six percent of homes are ever seen. So, we're talking about taking a child—

Mr. MCCLINTOCK. We've got pet shelters that offer more vetting than that.

Ms. RODAS. Yes, exactly.

Mr. MCCLINTOCK. What kind of follow-up is done to assure the welfare of the child?

Ms. RODAS. Well, a phone call—that we don't know who's answering the call? We cannot verify that—

Mr. MCCLINTOCK. So, first, when we do make contact, we don't know if we're actually talking to the so-called sponsor?

Ms. RODAS. Exactly.

Mr. MCCLINTOCK. For 85,000 of them, they're not even answering? They've just completely fallen off the radar?

Ms. RODAS. Yes, Chair, yes.

Mr. MCCLINTOCK. Ms. Rodas, it's been reported that the cartels charge thousands of dollars to traffic these children. How are these debts repaid?

Ms. RODAS. How many debts actually get repaid?

Mr. MCCLINTOCK. No, no, how are the debts repaid?

Ms. RODAS. By working and sometimes enslaved labor. There was an example, when Project Veritas went and knocked on doors in some of the hot spots that I gave them, a 16-year-old girl said she's being pimped by her sponsor, who claims to be her aunt, but the little girl says, "I don't know. I've never met her."

Mr. MCCLINTOCK. Ms. Rodriguez, you heard similar stories in Texas, is that correct?

Ms. RODAS. Yes.

Ms. RODRIGUEZ. Yes, sir, that is correct, with a lot of the, especially the younger children that I personally met along the border, again, they come with these small, little pieces of paper with handwritten numbers on them. They're told, from what they tell me, of who their sponsors are going to be, that this is a lot of them, it's

their tío, like their uncle, their mother, or their father that they've never met, and they don't know who they are until—they've never met them.

Mr. MCCLINTOCK. The Florida grand jury did a five-month study of this issue in their State and discovered exactly the same thing. So, we're seeing that in California. We're seeing it in Texas. We're seeing it in Florida.

When we're told these placements are carefully vetted, are we being gaslighted?

Ms. RODAS. Yes, Chair.

Mr. MCCLINTOCK. Ms. Vaughan?

Ms. VAUGHAN. Yes, and that's why the State of Florida, for example, the grand jury there is recommending that the State pass a law requiring these sponsors to come forward, so that the State can do the vetting, because they know that the Federal government is not doing it. It's simply not happening.

Mr. MCCLINTOCK. Now, if these children were safely returned to their homes, what would that do to the cartels' business model?

Ms. VAUGHAN. It would dry up. This would be—

Mr. MCCLINTOCK. That's what Border Patrol Officers have told me when I'm down there—is, if you get them safely home, they said they don't offer refunds. Word will spread very fast that's a bad investment, and the perilous journey won't be attempted. Indeed, give us just a little bit of insight into that journey.

Ms. VAUGHAN. Well, we know from reports of NGO's that a very large percentage of the kids who come are abused. Something like at least 60 percent of the female migrants are abused physically, often sexually.

It's a difficult journey. The cartels and the smugglers treat them like commodities. They don't care about whether they get enough food, shelter. It's terribly traumatic, and it has to be dealt with by the places where they end up.

Mr. MCCLINTOCK. Thank you.

Ms. Jackson Lee?

Ms. JACKSON LEE. I thank the Chair and I thank the Ranking Member, and, of course, acknowledge all the witnesses.

There are many of us who have lived through this in real time. I have been in the Congress since a number of legislative changes and, as well, the lawsuits that resulted in the settlement, the Flores settlement agreement from 1997, and the Homeland Security Act of 2002, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. So, we've seen the effort to be responsible to the children.

I do want to set the record straight. It's that, during the entire four years of the Trump Administration, when they abusively took children and separated them from families. It has taken the Biden Administration until this time, and continuing, trying to reunite those families. There was no effort by the past administration to reunite the children.

So, though it is not attributable to the witnesses, this is a misstatement of this hearing. I would prefer that we had appropriately named hearings, because I don't think anyone can document the "Biden Border Crisis: Exploitation of Unaccompanied Alien Children." I'm not sure if they're trying to suggest the Presi-

dent is exploiting them or innocent workers are trying to exploit them. I'm not sure what that phraseology means, but I think we need to be precise in what we are speaking of about the abuse of children.

I abhor the abuse of children. I have been at the border, and I have held unaccompanied children—desperately sent, because they come from desperate circumstances. The whole question of reuniting, or if they'll safely, if they can just safely return—some of these children leave places that no longer exist. Family members are dead. They've been taken over by violence, gangs, and there's nothing there. So, I do think it is important that we stand up a system that respects, coddles, nurtures, and protects these children.

So, I'm going to start off, Mr. Carey, discussing the 85,000 lost children. I know that you're not in government now, but you served before. You know that *The New York Times* wrote a detailed article with some very concerning allegations related to unaccompanied children unlawfully working in some very dangerous conditions. The article also talked about how the Office of Refugee Resettlement did not know the whereabouts of about 85,000 unaccompanied children who have been released to sponsors since the Biden Administration began.

Many outlets—and some of my colleagues have latched onto this—headlines say that the Biden Administration has lost 85,000 children. Let's start with the most important question. I do want to say this: You were in the Obama Administration. We have been—children have been unaccompanied. We saw processes being utilized—not perfect, because in trying to settle children, I know for sure, being at sites where you wanted to make sure that children were going to loving relatives to someone that was going to care for them.

In the course of securing sponsors, the sponsors showing up, and some of these sponsors were the ones that were on the little notes that the children had with a phone number. So, those who were dealing with these children were only trying to get them where they needed to be.

Again, I reiterate the fact that the children under Trump were snatched away from their families, purposely, to discourage them from coming.

Can you explain why they're not, in fact, lost? My time is short, so I'm just going to—and did this same issue, also, occur during the previous administration? Would you answer that, please?

Mr. CAREY. Yes. Thank you.

I would contend that every child receives a call, a follow-up call. Many do not answer. So, not answering a phone call, particularly if you're with your parents, I do not believe constitutes being lost.

In many cases, they are known to other bodies, to the legal system which they're going through to hear their claim; to determine if they have a—go through, if they are, as they're going through that legal process, whether they have an asylum claim. So—

Ms. JACKSON LEE. They could be in school? They could be under teenagers, children?

Mr. CAREY. Right, yes. Many other entities may well be aware of their location, but, especially, their parents to whom they've been released.

Mr. McCLINTOCK. The gentlelady's time has expired.

Ms. Spartz?

Ms. SPARTZ. Thank you, Mr. Chair.

I, actually, went to the border many times in the last Congress, and recently did. It's unfortunate that it's not a bipartisan issue. Because, I'm a mother of two teenaged girls, and if I would do what is done to some of these children, I would be in jail for child neglect. These kids deserve the same level of protection as everyone else, and we're creating perverse incentives.

Unfortunately, I think the pendulum has swung too far with this administration, because they really wanted to quickly push kids out of care; that they don't have overwhelmed shelter versus worrying about safety.

Because when I went several years ago to Texas to some of the shelters, I think people who worked there was very disturbed that proper background checks were not used, and COVID was used as a pretense to do that.

I don't know, Ms. Rodriguez, if you are aware or not—or any of you—that they did stop because we don't have a COVID pandemic now. Is it still the background check—it was inexcusable to use COVID, not really to worry about the safety of these children. Do you know if this guidance, and this field guidance, is still in place? Or now, they're doing better checks? Are you aware, any of you?

Ms. RODAS. Thank you, Congresswoman.

To my knowledge, all the field guidance that was put in place is still in place, which means that background checks for household members are no longer required. So, in instances where a person is sponsoring, and there's five other adult males in the room, or in the dwelling, none of them need to go through any type of background check at all.

So, it is a system that is easily abused. Because there are situations where, when reporters go knocking on the doors, they're finding a child, unrelated female, and male as well, living with five or six adults to whom they are not related.

Ms. SPARTZ. Yes, and it's unfortunate because now we have traumatized kids with massive debts to a cartel. I guess cartels don't sue them, but some very creative attorneys do. So, no one is really dealing with that issue.

We have a situation in Indiana, actually, the judges are shocked to see what's happened in some meat packing plants with child labor. I think no one even realized until these kids had some violations that they had to go into a court system. It has become a huge, a huge problem.

I think that shouldn't be a partisan issue. We created child slavery here in this country. We're talking about China having slaves. What are we doing in the United States of America with government money? That's inexcusable and is a humanitarian crisis, in addition to a security crisis.

I also wanted to see, as I understand, they have these post-release services. I hear from some people on the ground that, actually, a sponsor can deny these services. Is that correct? Have you heard that?

Ms. RODAS. Yes. Yes, Congressman, that's absolutely correct. That, actually, is what contributed to the Marion, Ohio situation, is that a call was made, and then, the case was just simply closed.

So, today, post-release services are absolutely not enforceable. It would also mean that you have a case manager who's trained enough to know to even activate the post-release services.

So, just because there's post-release services, it's not required. It is not mandatory, and the sponsor can say, "Thank you very much. Do not call me again. Bye." Because there is no authority that HHS has, or Office of Refugee Resettlement has, to hold the sponsor accountable.

This is what's most baffling. It is a simple fix. The sponsor needs to be held accountable. Why is this a difficult thing? I do not understand. It's the simple, simple fix. Sponsors are accountable. Sponsors are accountable to put the children in school. The sponsor should be accountable to take the child to the immigration hearing. That is what the sponsor signs up for, but that is not what the sponsor is held accountable for. There's no legal mechanism to make them accountable. If that changed, then children would not be trafficked.

Ms. SPARTZ. Well, I appreciate for doing the hearing. Mr. Chair, hopefully, we will actually be able to have the discussions. The discretions from the administration went awry, and HHS has to respond to us.

Because this is inhumane. This is irresponsible, and it only benefits cartels with making a lot of money on desperate people that come from very poor conditions, and the American government shouldn't be subsidizing. Otherwise, we're hypocrites when we criticize other countries for doing things like that. I think this shouldn't be a partisan issue.

I appreciate you being here today, and I hope we can, actually, find solutions to stand with these children and stop this incentivizing, this insanity on the border for national security.

So, thank you. I yield back.

Mr. MCCLINTOCK. Thank you.

Ms. Escobar?

Ms. ESCOBAR. Well, I would like to thank the witnesses for being here today.

I would like to express my frustration. I wish this were a real hearing that would result in real solutions and real improvements that would benefit children. Unfortunately, this is not a serious hearing. This is a hearing that is intended to completely distort the record, and really, it's strictly for political purposes.

I do agree with my colleague, the gentlelady from Indiana. We do need bipartisan solutions, and we do need a bipartisan effort, if we are going to truly address this. So, what would that look like?

First, I would like to preface my comments by sharing with you all. I represent El Paso, Texas. Fort Bliss, which is in El Paso, is home to one of the largest emergency intake facilities.

I have spent a lot of time at the emergency intake facilities. I have spent a lot of time talking to children. I am bilingual. So, I speak to the kids in their native language. I have spoken to enumerable staff—former/current staff. I, myself, have pushed on the administration at times when I've had to.

What I have found is, unfortunately, here in the House of Representatives, there is an absolute unwillingness by my Republican colleagues to participate in real solutions.

So, what would some of those solutions look like?

First, legal pathways: True legal pathways for children to reunify them with their family members would absolutely circumvent the horrific journey that many of them take. We can't get them to work with us on more legal pathways.

Another solution: Investing in programs to make sure that there is robust support. We can't get that, either. In fact, the President's budget, the amount of funding that he requested was actually ratcheted down by Republican colleagues. Then, when we had the omnibus vote, the vote for the budget that would fund HHS and the Department of Homeland Security, and a number of other agencies, the chairman voted against it last December.

So, when you starve a system, and you do everything possible to create legal pathways, you're not serious about solving these issues. In fact, when you call for the reinstatement of horrific policies by the previous administration, including deliberate family separation, you're not interested in solutions that help kids.

Last week, when we were here trying to create protections for children, so that they could have access to legal counsel—or, so that they would not be deported, even infants by themselves—my Republican colleagues all voted against those protections.

So, let's not pretend this is a serious hearing wanting to truly help children. There is nothing further from that fact.

Mr. Chair, I would like to enter into the record a fact sheet by HHS, the Administration for Children and Families. One of the witnesses claimed that there is no home study. The fact sheet disputes that, and the facts are that ORR requires a home study for children who are 12 years and under before unification with a non-relative sponsor. May I have unanimous consent to enter this into the record?

Mr. MCCLINTOCK. Without objection.

Ms. ESCOBAR. Every time I visited the emergency intake facility at Fort Bliss, and I spoke to kids, their complaint was that the background system was taking too long, and that they were not being reunited quickly enough with their families because it was so stringent.

Mr. Carey, in the remaining 40 seconds, is there any other misinformation that you would like to clarify?

Mr. CAREY. Yes. I think it's important to recognize that the ORR vetting system is rigorous. Any system is imperfect, but it is balancing the need of children to be reunited with their families—with their mothers, with their fathers—versus staying in care.

The resources to do so, I believe should be increased. I believe there should be more interagency cooperation and clear lines of authority and leadership, such that the lines of communication between ORR and other entities that are coming in touch with these children are perhaps improved.

Ms. ESCOBAR. Thank you for those real solutions. That is what we should focus on, and it should be bipartisan.

I yield back.

Mr. MCCLINTOCK. All right. Thank you.

Seeing no other Members seeking recognition, that concludes today's hearing.

I want to thank our witnesses for appearing before the Subcommittee today.

Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 5 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on Immigration Integrity, Security, and Enforcement can be found at the following links: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115798>.

